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ABSTRACT

Proceedings from the September 1985 hearing focus on the implementation of P.L. 94-142, The Education for All Handicapped Children Act, as it relates to learning handicapped delinquents in the District of Columbia (D.C.). Statements are presented from officials of the general accounting office, D.C. public school officials, administrators of D.C. social service agencies, D.C. policymakers, a psychologist, an educator, and an attorney. Among issues addressed are lack of communication among agencies with overlapping responsibilities, the effects of learning disability (LD) on all areas of living, and reports of shortcomings in D.C.'s services to handicapped delinquents (including lack of individualized education programs and inadequate monitoring by public schools). Appended material includes a summary of a study on the link between LD and juvenile delinquency and statements of local parent and advisory groups. (CL)

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LEARNING HANDICAPPED DELINQUENTS

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

ON

THE IMPLEMENTATION OF PUBLIC LAW 94-142 AS IT RELATES TO LEARNING HANDICAPPED DELINQUENTS IN THE DISTRICT OF COLUMBIA

SEPTEMBER 10, 1985

Serial No. 99–9

Printed for the use of the
Committee on the District of Columbia

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OVERSIGHT HEARING ON THE IMPLEMENTATION OF PUBLIC LAW 94-142 AS IT RELATES TO LEARNING HANDICAPPED DELINQUENTS IN THE DISTRICT OF COLUMBIA

TUESDAY, SEPTEMBER 10, 1985

House of Representatives,
Subcommittee on Fiscal Affairs and Health,
Committee on the District of Columbia,
Washington, DC.

The subcommittee met, pursuant to call, at 9 a.m., in room 1310, Longworth House Office Building, Hon. Walter E. Fauntroy (chairman of the subcommittee) presiding.

Present: Representatives Fauntroy, McKinney, and Bliley.

Also present: Donald Temple, staff counsel; Donn Davis, senior legislative associate; Julius Hobson Jr., staff assistant; Roberta Messalle, Ronald Hamm, and Shahid Abdullah, minority staff assistants.

Mr. **Fauntroy**. The subcommittee will come to order.

Today, the Subcommittee on Fiscal Affairs and Health is conducting an oversight hearing on the implementation of Public Law 94-142, the Education for all Handicapped Children Act, as it specifically pertains to learning and emotionally disabled delinquents both detained by and committed to the custody of the District of Columbia Department of Human Services and held at its juvenile detention centers.

A great deal of the early work for this hearing was begun by our distinguished colleague and ranking minority member, Congressman Stewart B. McKinney, in response to complaints about inadequate education for handicapped delinquents in the District of Columbia. Early last year, he requested a study by the U.S. General Accounting Office. To date, what we have seen gives rise to concern about the welfare of these delinquents. I share with Congressman McKinney his concern about this issue.

Today, the subcommittee will hear testimony from representatives of the General Accounting Office, the city, the public schools, and outside interested parties.

Before hearing the testimony, however, I want to yield to our distinguished ranking minority member, Mr. McKinney, for his opening statement at this time.

[The prepared statement of Mr. Fauntroy follows:]

U. S. HOUSE OF REPRESENTATIVES

STATEMENT OF

HONORABLE WALTER E. FAUNTROY
CHAIRMAN

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

OF THE
COMMITTEE ON THE DISTRICT OF COLUMBIA

FOR THE

HEARING - TO HEAR TESTIMONY ON THE IMPLEMENTATION OF P. L. 94-142 AS IT RELATES TO LEARNING HANDICAPPED DELINQUENTS IN THE DISTRICT OF COLUMBIA.

SEPTEMBER 10, 1985
9:00 A.M.

HEARING ROOM
1310 LONGWORTH HOB

TODAY, THE SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH IS CONDUCTING AN OVERSIGHT HEARING ON THE IMPLEMENTATION OF PUBLIC LAW 94-142, THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT, AS IT SPECIFICALLY PERTAINS TO LEARNING AND EMOTIONALLY DISABLED DELINQUENTS--BOTH DETAINED BY AND COMMITTED TO THE CUSTODY OF THE DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES, AND HELD AT ITS JUVENILE DETENTION CENTERS.

A GREAT DEAL OF THE EARLY WORK FOR THIS HEARING WAS BEGUN BY CONGRESSMAN STEWART MCKINNEY, RANKING MINORITY MEMBER OF THIS SUBCOMMITTEE AND THE FULL COMMITTEE, IN RESPONSE TO COMPLAINTS ABOUT INADEQUATE EDUCATION FOR HANDICAPPED DELINQUENTS IN THE DISTRICT OF COLUMBIA. LATE LAST YEAR, HE REQUESTED A STUDY BY THE U. S. GENERAL ACCOUNTING OFFICE. TO DATE, WHAT WE HAVE SEEN GIVES RISE TO CONCERN ABOUT THE WELFARE OF THESE DELINQUENTS. I SHARE CONGRESSMAN MCKINNEY'S CONCERNS ABOUT THIS ISSUE.

TODAY, THE SUBCOMMITTEE WILL HEAR TESTIMONY FROM REPRESENTATIVES OF THE GENERAL ACCOUNTING OFFICE, THE CITY, THE PUBLIC SCHOOLS, AND OUTSIDE INTERESTED PARTIES.

BEFORE HEARING TESTIMONY, HOWEVER, I YIELD TO THE DISTINGUISHED RANKING MINORITY MEMBER, MR. MCKINNEY .....

Mr. McKINNEY. Thank you, Mr. Chairman. And I thank you very much for having these hearings.

These hearings, this morning, Mr. Chairman, are about waste—waste of human potential. Sadly, it is unnecessary waste, because we are here to explore a scandal that the District of Columbia has chosen to ignore for too many years.

Nearly 18 months ago, I asked GAO to look into what education was being provided to young people with special learning needs who are being held at the city's juvenile justice institutions, Oak Hill, Cedar Knoll, and the Receiving Home—those with learning disabilities or who are emotionally disturbed.

I had heard many distressing stories of youths getting no education, much less the special education so many of them need while they were locked up in the city facilities, of the city sending others to institutions in distant States, facilities that city personnel do not check for program quality or compliance.

GAO quickly reported back that this segment of District of Columbia youngsters—the juvenile delinquents—simply have been dealt out of this hand. There is no special education for them. There are studies showing that these are the kids who need it most, but I suspect few of us need more than a moment's thought to realize the same.

GAO found that troubled children—the very youngsters who are locked up in so-called correctional centers in order to redirect their lives before it is too late—are being denied the most basic education. It did not take them long to discover that a D.C. youth could be locked up repeatedly over 4 years and receive essentially no schooling whatsoever. City officials for years have been turning their backs on these kids. And each year, each semester that this is allowed to continue, more kids' lives are being wasted.

It frightens me to think that the city for 20 years has not complied with special education laws. I shudder to think of how many young lives were destroyed over these 20 years by such a scandalous failure. The waste of human potential is staggering. How many people are locked up at Lorton this very day because their educational needs were ignored and instead they rode the slide from Cedar Knoll to Oak Hill to Lorton? How many future black leaders have we lost to this gross negligence?

About half of our young inmates have learning disabilities. A learning disability does not mean that a person is mentally deficient and unable to contribute to this world. Albert Einstein, President Woodrow Wilson, Thomas Edison, Gen. George Patton, Nelson Rockefeller, Leonardo da Vinci, and the Olympic decathlon champion Bruce Jenner all had learning disabilities, but were shown ways to compensate for their handicaps.

Learning-disabled people are smart enough to recognize when they are getting the short end of the stick, and smart enough to act out their anger and their frustration in antisocial or criminal conduct.

As we struggle to find ways to deal with crime in our Nation's Capital and to solve the overcrowding at the D.C. Jail and at Lorton, we need to consider the causes of crime. The results of the GAO study led me to believe that our juvenile correctional centers are a major cause for the District of Columbia. They manufacture angry adult criminals.

After I read GAO's findings, I realized the special education problem for juvenile delinquents in the District is a systemic one. There's no centralization, no communication among agencies with overlapping responsibility for the children. The public schools do little from the very beginning, youth services does even less, and the courts have tried to pick up the slack.

Special education was first spotlighted in the District of Columbia in the early 1970's when parents took the city schools to court for violating the constitutional rights of handicapped children as well as the District of Columbia Code. Up to that point, the school system was dealing with some students' needs for special education by simply excluding them from the schools.

Mills v. *The Board of Education* resulted in an agreement under which the city schools would identify and provide all handicapped children with an education. Then, in 1975, Congress passed the Education for all Handicapped Children Act, Public Law 94-142, which establishes guidelines and provides technical and financial assistance to States working to comply with the law. These two measures were to have ensured that all D.C. children would receive the appropriate educational opportunities, no matter what their individual needs.

However, they are not getting that education, Mr. Chairman. But even more alarming, no one even knows how many learning handicapped kids there are in the city of Washington.

The Federal Government also drops the ball. It gives the District $3.8 million for special education yearly and does almost nothing to monitor how the millions are spent, despite its own findings that the city has been in violation of Federal standards for years.

The city's total budget for special education in 1985 is $34 million. After GAO's findings, I want to know where and how that money is being spent.

During this investigation, certain other problems surfaced—police problems. Some individuals have information about youngsters actually being physically abused while they are behind bars. But these individuals don't know what to do with it. It's hard to believe, but there are a half a dozen police and prosecutorial agencies with some authority over the juvenile detention centers, but none seems interested in protecting the rights of the children confined there.

I do not want to lose the focus of these hearings today—special education—so we will attempt to stay away from those police matters. However, I want it known that later, and, hopefully, with you, Mr. Chairman, I will be calling all the law enforcement parties together so we can tell them of the other information we have collected and find out who should be handling these problems and what needs to be done to get them to do so. This confusion and neglect are criminal in themselves.

Turning back to the issue of the day, special education, I have asked GAO to provide very specific recommendations on how this disgraceful situation can be turned around. GAO's more than a year's work and these resulting hearings can and should lead to a guarantee that after 20 years of the most shameful kind of waste no child of this city will be denied the right to an appropriate education.

I want to add a personal footnote, Mr. Chairman. It was very difficult for me to ask GAO for its work here and to propose these hearings. I have been a consistent and very strong supporter of home rule for the District of Columbia, and my traditional practice is to lend my support to city officials in all cases to help them work out their problems. My belief in this city's right to govern itself has not changed. But I cannot turn my back on children's lives being ruined because city officials have chosen to ignore them.

And we are not talking about a few kids falling through the bureaucratic cracks. We're talking about a segment of young people who are falling through a chasm of systematic bureaucratic negligence. By allowing this disgrace to continue, we are adding to D.C.'s adult prison population. We are also, Mr. Chairman, wasting human potential. And so many of these learning disabled and emotionally disturbed youngsters can be contributing members of tomorrow's society if we make sure the District does what it should be doing today.

Thank you, Mr. Chairman. That is a lengthy statement.

[The prepared statement of Mr. McKinney follows:]

OPENING STATEMENT
OF
THE HONORABLE STEWART B. MCKINNEY
BEFORE THE
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

TUESDAY, SEPTEMBER 10, 1985
9:00 A.M.

THESE HEARINGS THIS MORNING ARE ABOUT WASTE -- WASTE OF HUMAN POTENTIAL. SADLY, IT IS UNNECESSARY WASTE, BECAUSE WE ARE HERE TO EXPLORE A SCANDAL THAT THE DISTRICT OF COLUMBIA HAS CHOSEN TO IGNORE FOR TOO MANY YEARS.

NEARLY 18 MONTHS AGO, I ASKED GAO TO LOOK INTO WHAT EDUCATION WAS BEING PROVIDED TO YOUNG PEOPLE WITH SPECIAL LEARNING NEEDS WHO ARE BEING HELD AT THE CITY'S JUVENILE JUSTICE INSTITUTIONS, OAK HILL, CEDAR KNOLL OR THE RECEIVING HOME -- THOSE WITH LEARNING DISABILITIES OR WHO ARE EMOTIONALLY DISTURBED. I HAD HEARD MANY DISTRESSING STORIES OF YOUTHS GETTING NO EDUCATION, MUCH LESS THE SPECIAL EDUCATION SO MANY OF THEM NEED, WHILE THEY WERE LOCKED UP IN THE CITY FACILITIES; OF THE CITY SENDING OTHERS TO INSTITUTIONS IN DISTANT STATES, FACILITIES THAT CITY PERSONNEL DO NOT CHECK FOR PROGRAM QUALITY OR COMPLIANCE.

GAO QUICKLY REPORTED BACK THAT THIS SEGMENT OF D.C. YOUNGSTERS -- THE JUVENILE DELINQUENTS -- SIMPLY HAVE BEEN DEALT OUT OF THIS HAND. THERE IS NO SPECIAL EDUCATION FOR THEM. THERE ARE STUDIES SHOWING THAT THESE ARE THE KIDS WHO NEED IT MOST, BUT I SUSPECT FEW OF US NEED MORE THAN A MOMENT'S THOUGHT TO REALIZE THE SAME. GAO FOUND

THAT TROUBLED CHILDREN -- THE VERY YOUNGSTERS WHO ARE LOCKED UP IN SO-CALLED CORRECTIONAL CENTERS IN ORDER TO REDIRECT THEIR LIVES BEFORE IT IS TOO LATE -- ARE BEING DENIED THE MOST BASIC EDUCATION. IT DID NOT TAKE THEM LONG TO DISCOVER THAT A D.C. YOUTH COULD BE LOCKED UP REPEATEDLY OVER FOUR YEARS AND RECEIVE ESSENTIALLY NO SCHOOLING. CITY OFFICIALS FOR YEARS HAVE BEEN TURNING THEIR BACKS ON THESE KIDS. AND EACH YEAR, EACH SEMESTER THAT THIS IS ALLOWED TO CONTINUE, MORE KIDS' LIVES ARE BEING WASTED.

IT FRIGHTENS ME TO THINK THAT THE CITY FOR 20 YEARS HAS NOT COMPLIED WITH SPECIAL EDUCATION LAWS. I SHUDDER TO THINK OF HOW MANY YOUNG LIVES WERE DESTROYED OVER THESE 20 YEARS BY SUCH A SCANDALOUS FAILURE. THE WASTE OF HUMAN POTENTIAL IS STAGGERING. HOW MANY PEOPLE ARE LOCKED UP AT LORTON THIS VERY DAY BECAUSE THEIR EDUCATIONAL NEEDS WERE IGNORED AND INSTEAD THEY RODE THE SLIDE FROM CEDAR KNOLL TO OAK HILL TO LORTON? HOW MANY FUTURE BLACK LEADERS HAVE WE LOST TO THIS GROSS NEGLIGENCE?

ABOUT HALF OF OUR YOUNG INMATES HAVE LEARNING DISABILITIES. A LEARNING DISABILITY DOES NOT MEAN THAT A PERSON IS MENTALLY DEFICIENT AND UNABLE TO CONTRIBUTE TO THE WORLD. ALBERT EINSTEIN, PRESIDENT WOODROW WILSON, THOMAS EDISON, GENERAL GEORGE PATTON, NELSON ROCKEFELLER, LEONARDO DA VINCI AND OLYMPIC DECATHLON CHAMPION BRUCE JENNER ARE AMONG THOSE WHO WERE LEARNING DISABLED BUT WHO WERE SHOWN WAYS TO COMPENSATE FOR THEIR HANDICAPS. LEARNING DISABLED PEOPLE ARE SMART ENOUGH TO RECOGNIZE WHEN THEY ARE GETTING THE SHORT END OF THE STICK, AND SMART ENOUGH TO ACT OUT THEIR ANGER AND FRUSTRATION IN ANTI-SOCIAL OR CRIMINAL CONDUCT.

AS WE STRUGGLE TO FIND WAYS TO DEAL WITH CRIME IN OUR NATION'S

CAPITAL AND TO SOLVE THE OVERCROWDING AT THE D.C. JAIL AND AT LORTON, WE NEED TO CONSIDER THE CAUSES OF CRIME. THE RESULTS OF THE GAO STUDY LEAD ME TO BELIEVE THAT OUR JUVENILE CORRECTIONAL CENTERS ARE A MAJOR CAUSE FOR D.C. THEY MANUFACTURE ANGRY ADULT CRIMINALS.

AFTER I HEARD GAO'S FINDINGS, I REALIZED THE SPECIAL ED PROBLEM FOR JUVENILE DELINQUENTS IN THE DISTRICT IS A SYSTEMIC ONE. THERE'S NO CENTRALIZATION AND NO COMMUNICATION AMONG AGENCIES WITH OVERLAPPING RESPONSIBILITY FOR THE CHILDREN. THE PUBLIC SCHOOLS DO LITTLE FROM THE VERY BEGINNING, YOUTH SERVICES DOES EVEN LESS, AND THE COURTS TRY TO PICK UP THE SLACK.

"SPECIAL EDUCATION" WAS FIRST SPOTLIGHTED IN THE DISTRICT OF COLUMBIA IN THE EARLY 1970'S WHEN PARENTS TOOK THE CITY SCHOOLS TO COURT FOR VIOLATING THE CONSTITUTIONAL RIGHTS OF HANDICAPPED CHILDREN AS WELL AS THE D.C. CODE. UP TO THAT POINT, THE SCHOOL SYSTEM WAS DEALING WITH SOME STUDENTS' NEEDS FOR SPECIAL EDUCATION BY SIMPLY EXCLUDING THEM FROM SCHOOL. MILLS V. THE BOARD OF EDUCATION RESULTED IN AN AGREEMENT UNDER WHICH THE CITY SCHOOLS WOULD IDENTIFY AND PROVIDE ALL HANDICAPPED CHILDREN WITH AN EDUCATION. THEN, IN 1975, CONGRESS PASSED THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT (P.L. 94-142), WHICH ESTABLISHES GUIDELINES AND PROVIDES TECHNICAL AND FINANCIAL ASSISTANCE TO STATES WORKING TO COMPLY WITH THE LAW. THESE TWO MEASURES WERE TO HAVE ENSURED THAT ALL D.C. CHILDREN WOULD RECEIVE APPROPRIATE EDUCATIONAL OPPORTUNITIES, NO MATTER WHAT THEIR INDIVIDIUAL NEEDS.

HOWEVER, THEY ARE NOT GETTING THAT EDUCATION. BUT EVEN MORE ALARMING, NO ONE EVEN KNOWS HOW MANY LEARNING HANDICAPPED KIDS ARE IN THE CITY.

THE FEDERAL GOVERNMENT ALSO DROPS THE BALL. IT GIVES THE DISTRICT $3.8 MILLION FOR SPECIAL EDUCATION YEARLY AND DOES ALMOST NOTHING TO MONITOR HOW THE MILLIONS ARE SPENT, DESPITE ITS OWN FINDINGS THAT THE CITY HAS BEEN IN VIOLATION OF FEDERAL STANDARDS FOR YEARS. THE CITY'S TOTAL BUDGET FOR SPECIAL ED IN 1985 IS $34 MILLION. AFTER GAO'S FINDINGS, I WANT TO KNOW WHERE AND HOW THAT MONEY IS BEING SPENT.

DURING THIS INVESTIGATION, CERTAIN OTHER PROBLEMS SURFACED -- POLICE PROBLEMS. SOME INDIVIDUALS HAVE INFORMATION ABOUT YOUNGSTERS ACTUALLY BEING PHYSICALLY ABUSED WHILE THEY ARE BEHIND BARS. BUT THESE INDIVIDUALS DON'T KNOW WHAT TO DO WITH IT. IT'S HARD TO BELIEVE, BUT THERE ARE A HALF-DOZEN POLICE AND PROSECUTORIAL AGENCIES WITH SOME AUTHORITY OVER THE JUVENILE DETENTION CENTERS, BUT NONE SEEMS INTERESTED IN PROTECTING THE RIGHTS OF THE CHILDREN CONFINED THERE. I DID NOT WANT TO LOSE THE FOCUS OF THESE HEARINGS TODAY -- SPECIAL EDUCATION -- SO WE WILL ATTEMPT TO STAY AWAY FROM THOSE OTHER MATTERS. HOWEVER, I WANT IT KNOWN THAT LATER I WILL BE CALLING ALL OF THE LAW ENFORCEMENT PARTIES TOGETHER SO WE CAN TELL THEM OF THE OTHER INFORMATION WE HAVE COLLECTED AND FIND OUT WHO SHOULD BE HANDLING THESE PROBLEMS AND WHAT NEEDS TO BE DONE TO GET THEM TO DO SO. THIS CONFUSION AND NEGLECT ARE CRIMINAL IN THEMSELVES.

TURNING BACK TO THE ISSUE OF THE DAY, SPECIAL EDUCATION, I HAVE ASKED GAO TO PROVIDE VERY SPECIFIC RECOMMENDATIONS ON HOW THIS DISGRACEFUL SITUATION CAN BE TURNED AROUND. GAO'S MORE THAN YEAR OF WORK, AND THESE RESULTING HEARINGS, CAN AND SHOULD LEAD TO A GUARANTEE THAT, AFTER 20 YEARS OF THE MOST SHAMEFUL KIND OF WASTE, NO CHILD

IN THIS CITY WILL BE DENIED THE RIGHT TO AN APPROPRIATE EDUCATION.

I WANT TO ADD A PERSONAL FOOTNOTE. IT WAS VERY DIFFICULT FOR ME TO ASK GAO FOR ITS WORK HERE AND TO PROPOSE THESE HEARINGS. I HAVE BEEN A CONSISTENT AND VERY STRONG SUPPORTER OF HOME RULE FOR THE DISTRICT OF COLUMBIA, AND MY TRADITIONAL PRACTICE IS TO LEND MY SUPPORT TO CITY OFFICIALS WORKING OUT THEIR OWN PROBLEMS. MY BELIEF IN THIS CITY'S RIGHT TO GOVERN ITSELF HAS NOT CHANGED. BUT I CANNOT TURN MY BACK ON CHILDREN'S LIVES BEING RUINED BECAUSE CITY OFFICIALS HAVE CHOSEN TO IGNORE THEM -- AND WE ARE NOT TALKING ABOUT A FEW KIDS FALLING THROUGH THE BUREAUCRATIC CRACKS. WE'RE TALKING ABOUT A SEGMENT OF YOUNG PEOPLE WHO ARE FALLING THROUGH A CHASM OF BUREAUCRATIC NEGLIGENCE. BY ALLOWING THIS DISGRACE TO CONTINUE, WE ARE ADDING TO D.C.'S ADULT PRISON POPULATION. WE ALSO ARE WASTING HUMAN POTENTIAL. OUR CHILDREN ARE OUR FUTURE. AND, SO MANY OF THESE LEARNING DISABLED AND EMOTIONALLY DISTURBED YOUNGSTERS CAN BE CONTRIBUTING MEMBERS OF TOMORROW'S SOCIETY -- IF WE DO WHAT WE SHOULD TODAY.

Mr. **Fauntroy**. And I thank the gentleman for his statement, certainly a perceptive and illuminating one, and certainly with respect to your personal statements worthy of our respect and appreciation.

We've been joined by the distinguished gentleman from Virginia, Mr. Bliley. And if you choose, Mr. Bliley, you may make opening remarks at this time.

Mr. **Bliley**. Thank you, Mr. Chairman.

I will not make a long opening statement because I'm anxious to hear the testimony on this matter.

The information that I have received at this time leaves me to be very concerned with the District's efforts to help learning disabled children.

I have been interested in education and children for many years. And my service on the Select Committee on Children, Youth, and Families has increased that interest.

I have learned a good deal about special education, special children, through serving on the select committee. And that knowledge has heightened my concern and alarm about this situation.

I believe that this matter is one of those that will not go away by itself. Having this hearing will not be enough. And I share Congressman McKinney's strong desire to follow this to its logical conclusion. We will not let this matter drop. We must not let it drop.

With that said, I think that we should begin the hearing and find out what the situation really is, Mr. Chairman.

Mr. **Fauntroy**. And I thank you, Mr. Bliley.

We will, indeed, proceed now with the witnesses as listed. And I call to the witness table, first, Dr. Anne Parker Wake, of the Kingsbury Center, an organization that has been in the forefront of working on learning disabled for nearly 50 years.

Dr. Wake, we have your prepared testimony, and you may proceed to give it in whatever manner you choose.

STATEMENT OF ANNE PARKER WAKE, STAFF PSYCHOLOGIST AT THE KINGSBURY CENTER IN WASHINGTON, DC

Ms. **Wake**. Thank you, sir.

Mr. **McKinney**. Your entire statement will be entered in the record, Doctor, but you may summarize anything now.

Ms. **Wake**. Mr. Chairman and members of the House District Committee, it is indeed an honor to be invited here today to testify about specific learning disabilities, a disorder that affects 1 in 10 of our citizens.

I am Dr. Anne Parker Wake, staff psychologist at the Kingsbury Center in Washington, DC. The Kingsbury Center has been in the forefront of work with the learning disabled since its founding by Marion Kingsbury in 1938. The Kingsbury Center has served over 30,000 youngsters and adults since its founding and provides diagnostic, tutoring, and psychological services, consultation to area schools, and a day school for those children unable to learn in a more traditional classroom setting.

My own expertise in the area of learning disabilities began with my own tutoring of learning disabled youngsters. My doctoral dissertation was in the area of specific learning disabilities and their diagnosis. I have testified in Federal court as an expert in the field.

In my testimony, I will give a definition of specific learning disabilities, talk about the various subcategories that are important within the overall heading, and discuss appropriate diagnosis and how appropriate treatment is related to diagnosis.

At this time, I would like to depart from my prepared statement in order to summarize the issues that I see as most important and in order to allow you time to ask me any questions you feel need to be asked.

I believe that this document was handed to you all this morning. It includes, on the right side, a copy of the Association for Children and Adults with Learning Disabilities statement, which I am going to discuss.

In addition, there is a document included there which includes very specific teaching strategy designed to help classroom teachers implement the teaching of learning disability children as they are mainstreamed.

I have also included a sample report. It happens to be one which I wrote involving the issues of diagnosing learning disabled young adults, and a pamphlet concerning the work of the Kingsbury Center.

The definition which the ACALD put together about learning disabilities, in September 1984, is the result of many years work and struggle. And I think that the most important point raised in the first paragraph is that it is a neurological condition. What this means is that learning disabilities cannot be cured. They will not go away. What successful remediation of learning disability brings about is a change in the strategies the individual uses to think and to work.

For example, if you have poor auditory memory, as many people do, it certainly makes sense to be writing things down that you have to remember rather than trying to use an auditory channel.

You can't fix the auditory disability. What you can do is help the student find a successful way to learn.

They then emphasize that there are problems in the development, integration, and demonstration of verbal and nonverbal abilities. An example of the difficulties in the development of these skills involves little boys. Most little boys learn how to tell b from d from p from q at roughly the age of six. Some little boys don't learn that then. They learn it much later. And for those kids, they need a lot of help in learning to distinguish these very familiar letters from each other. Most kids, sooner or later, develop these skills. Some kids do not. Those kids are the true dyslexics, the ones that may never actually be able to learn to read.

Difficulties in integration of these skills can happen like this. Supposing I tap this pattern—tap—tap, tap, tap—and then showed you a picture of that. Would you be able to remember which came first, the long or the short sound and the order? That's an integration of a hearing and a visual skill. Those are the kinds of problems that many of our kids get into.

DEMONSTRATION

Supposing a kid has really good ideas, but can't get them down on paper. The ideas are present, the kid can read, but the kid cannot put them together in an orderly way so that other people can perceive his learning.

Now, the statement is clear about talking about verbal and nonverbal abilities. And throughout this time I'm going to be talking to you about two particular kids. Now, it happens that their stories are very similar in some regards and very different in other regards.

One is a young man named Sam. And the other is a young man named Mark. Now, Sam was referred to me by a regional authority because he's been in trouble with the law consistently for the past 4 or 5 years. He can't hold a job. A lot of stress was placed on the fact that Sam had an awful lot of trouble getting along with his family.

Now, when I looked at Sam, I found out that he meets the criteria for being of average intellectual ability. The problem that Sam had was that although he was of average intellectual ability he could not understand what people said to him.

If you asked Sam a question, an awful lot of the time he'd give you the right answer, particularly if you only needed to ask him something that he could answer with one word, yes or no. But if you asked him and gave him a set of elaborate directions, Sam didn't get it; he just didn't get it. And he had never been diagnosed as learning disabled. He had been diagnosed as out of control, a behavior disorder, trouble to the community, but no one had seen the learning disability.

Example of the kind of trouble Sam had with language. If you're lost in the forest in the daytime, how would you go about finding your way out? I'd look for the stars in the sky. He heard night instead of day.

Use the word "illustration" in a sentence. I have an illustration of a magazine.

Why is it better to borrow money from a bank than from a friend? Because it takes you all year to pay it off.

Now, if you were Sam's employer and you started to ask him complicated questions, and you got these answers back, and then you had to hassle with Sam to get him to pay attention to what you really wanted, you might not choose to be Sam's employer for a real long time.

Now, this young man—incidentally, not a citizen of the District of Columbia—had never received any specialized help for his language-based learning disability.

In contrast, a young man named Mark, who was identified early on as having two problems—a problem in visual memory and a problem in reasoning—received 9 years of special education, 5 days a week, 6 hours a day, before he could read. And in his ninth year of special education his reading skills grew 10 grade levels.

The point of this story is that—Mark, incidentally, right now, is a junior in college, doing very well, has received two fellowships for specialized study, and has just run for school office. The point of this is that Mark got the help he needed.

And these kids are controlled for IQ level. Different handicapping conditions, because I think it's more interesting. But these two kids have such different outcomes to their story because they got the remedial assistance they needed in one case, and in the other case nobody diagnosed what was really wrong.

In the second paragraph of the definition, the stress is laid on the fact that this is a distinct handicapping condition. It is not blindness. It is not deafness.

Most parents who come in my office will say something like, he's having trouble with visual discrimination. Is there something wrong with his eyes? No. It's a much different kind of thing.

These kids have average to superior intelligence. And this is an issue of some importance, which I will discuss in a minute, because, clearly, the more intelligent the human, the more adaptive they can be in terms of learning strategies to overcome the difficulties they encounter.

These problems vary widely in their manifestations and their degree of severity. And I think only when you have worked with learning disabled youngsters can you appreciate the fact that you can be sitting with a human being who's carrying on an excellent conversation with you, full of insight and observation about the day. And it's a hot day. And he says, gee, I'm thirsty. This is a 12-year-old. I'm real thirsty.

OK. John, let me put out the change on the table for you to go get a Coke from the Coke machine.

You put out, say, three quarters, and four or five dimes, and a couple of nickels. And the Coke machine needs 40 cents in change to work. And this kid cannot pick out 40 cents in coins in the pile of coins on the table.

This is the heart of a learning disability. A person of normal intelligence, even superior intelligence, who hits a stumbling block, and who needs real special help in order to understand how to pick 40 cents out of a pile of change.

Finally, I think it is important to emphasize, as the statement does in paragraph 3, that these conditions are lifelong in nature. Since we can't fix them, they're not going to go away. And the strategies that we teach kids and even adults have to be strategies that will help them cope throughout their lives.

They can affect self-esteem. For example, a seventh-grader, who was a statewide champion swimmer, who was reading in the classroom at a first grade level, said to me, the hardest thing about what I have wrong with me is that I'm such a star every place but in school, and in school all I feel is rotten and dumb.

They affect vocational choice. Many people are interested in entering my field. One of the things my field requires is a fair knowledge of statistics. If you have a math handicap, you can't learn the math you need to learn to do the statistics to become a psychologist without considerable assistance.

They affect socialization. I worked for a long time with a gifted, seriously dyslexic girl, who I took out for lunch one day, and said—we went to a French restaurant.

Now, I knew this young woman could not read. She picked up the menu and she went—cheese omelette.

I said, why did you do that?

She said, it makes people so uncomfortable to know that I can't read, that I have my Spanish menu choice, and my French menu choice, and my Italian menu choice. And I look at the menu carefully, so everybody thinks I can read. So, then, I can make everyone else feel comfortable.

But that could be a major handicap, being absolutely unable to read in public.

It affects daily living activity. A gifted young woman I worked with here in this city said to me one day—she had lived here all of her life—you know, I just figured out that northeast is the opposite of southwest, that is to say you move away from the Capitol by numbered streets.

She'd spent her whole life here. But she's so confused about left, right, up, down, that it never occurred to her that C Street, D Street, E Street run in opposite directions.

The factors that are important in evaluating learning disabilities include attentional factors, language factors, reasoning factors, the fact that these kids do not respond to social cues the way most kids do, they often do not respond to punishment, they frequently have fine motor problems, and they often have memory problems.

An adequate diagnosis of a learning disability has to include checking the physical condition to make sure that there are exclusive handicapping conditions, such as, cerebral palsy; checking intellectual development to make sure the person is of average intelligence; checking achievement to make sure that the discrepancy between predicted achievement and actual achievement exists; and to check on the emotional and social development of the student.

When I do an evaluation, I look for the pattern of strengths and weaknesses in the student because that tells me how to go about remediating. Remediate through strength, using the specific learning style of the student, and never failing to estimate the long-term effect of failure on the student.

I think all remediation of adolescents has to work to train them to be independent, has to work to train them to be contributing members of society, has to work to help them tune in to what social needs are.

Now, I think that pretty well covers what I wanted you all to hear. I'd be delighted to answer any questions you have.

[The prepared statement and attachments of Dr. Wake follow:]

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TESTIMONY PREPARED FOR THE HOUSE DISTRICT COMMITTEE
SEPTEMBER 10, 1985

Mr. Chairman and Members of the House District Committee, it is indeed an honor to be invited here today to testify about specific learning disabilities, a disorder that affects one in ten of our citizens. I am Dr. Anne Parker Wake, staff psychologist at The Kingsbury Center in Washington, D.C. The Kingsbury Center has been in the forefront of work with the learning disabled since its founding by Marion Kingsbury in 1938. The Kingsbury Center has served over thirty thousand youngsters and adults since its founding and provides diagnostic, tutoring, and psychological services, consultation to area schools, and a day school for those children unable to learn in a more traditional classroom setting.

My expertise in the area of learning disabilities began with my own tutoring of learning disabled youngsters. My doctoral dissertation was in the area of specific learning disabilities and their diagnosis. I have testified in federal court as an expert in the field. In my testimony I will give a definition of specific learning disabilities, talk about the various subcategories that are important within the overall heading of learning disabilities, and discuss appropriate diagnosis and how appropriate treatment is related to diagnosis.

The definition of specific learning disabilities that was adopted by the Association for Children and Adults with Learning Disabilities in September 1984 is as follows:

> Specific Learning Disabilities is a chronic condition of presumed neurological origin which selectively

> interferes with the development, integration, and/or demonstration of verbal and/or non-verbal abilities.
>
> Specific Learning Disabilities exists as a distinct handicapping condition in the presence of average to superior intelligence, adequate sensory and motor systems, and adequate learning opportunities. The condition varies in its manifestations and in degree of severity.
>
> Throughout life the condition can affect self-esteem, education, vocation, socialization, and/or daily living activities.

I wish to highlight certain aspects of the definition and also to clarify some questions raised by it. Because specific learning disabilities is a chronic condition of neurological origin, the condition cannot be cured. What good remediation provides is alternate strategies for coping with the problems caused by learning disabilities, emphasizing ways to perform the necessary work in spite of the difficulties. There have been numerous studies designed to isolate "the" specific learning disability, and recent research has concluded that there is no single specific learning disability but rather clusters of problems that vary among individuals.

Different studies have stressed the importance of different problems. Attentional aspects have been underlined as important; some studies have found that the primary handicapping condition is an attention deficit disorder, sometimes accompanied by "hyperactivity." People with this disorder cannot attend in the usual ways, and they spend much time in purposeless movements. Frequently, they are put on stimulant medication, which helps them control their attentional difficulties by heightening their ability to attend (Dykman et al., 1971; Wender, 1971). Others see language-related difficulties as the primary problem in specific learning disabilities. Increasing attention has been paid to the difficulties of students in using language, both in the specific and in the broad sense (Denckla, 1979). Problems with nonverbal skills, particularly reasoning skills, are often seen as an important component of specific learning disabilities. Other areas that have been seen as important sources of difficulty include poor fine-motor coordination, memory problems, inability to understand social cues, and failure to respond to punishment. These are some of the hypothesized problems; current thinking stresses that there is no single problem, but rather combinations of problems.

The definition carefully states that the difficulty is in the development of individual skills or their integration; for example, the problem may be the integration of a verbal skill with a motor act, a visual skill with a hearing skill. The word demonstration is important because many students appear to be able to perceive the demands of all parts of a task correctly and then have difficulty in performing the task.

The beginning of the second paragraph of the definition stresses the distinct requirements for the diagnosis of specific learning disabilities rather than other problems. The student must show average or above average intelligence; thus the condition is separated from retardation. The student must show adequate sensory and motor systems; thus the condition is differentiated from sensory conditions, such as peripheral blindness or deafness, and is differentiated from motor conditions such as cerebral palsy. The student must have had adequate learning opportunities; thus the student has been exposed to the usual and appropriate educational environment for his neighborhood.

The definition also stresses that the condition varies in manifestation and degree of severity. Thus certain disabilities play a more significant role early in the educational process, and other disabilities are more significant later in the educational process. For example, a child who suffers from difficulty in learning to discriminate forms and thus is unable to discriminate b from p from q from g, or u from n, will often experience great difficulty in early elementary school. Once this confusion is eliminated by careful remedial techniques that train the child to use alternate pathways to make the proper discrimination, such a student can go on to be successful academically, although always showing a tendency towards such confusion. An example of a problem causing increasing difficulties in later years would be poor organizational skills. As a student proceeds in school it is important for him to be able to organize his work, both in planning and keeping track of an ever-increasing volume of work, and also in being able to organize his thinking. Students who have organizational problems need to learn specific coping techniques.

The third paragraph of the definition stresses that learning difficulties can be pervasive in nature, affecting all aspects of the individual's life, not only during the school years but throughout the life cycle. These learning problems affect self-esteem, education, vocation, socialization and daily living activities. Therefore, this portion of the definition stresses the emotional and behavioral components of specific learning disabilities.

This definition underlines the complexity of the disabilities. Therefore, appropriate diagnostic strategies are needed to evaluate each individual's difficulties. The central diagnostic issue is understanding the pattern of strengths and weaknesses of each disabled student. Thus it is essential that an appropriate diagnostic evaluation find the individual's areas of strength as well as the individual's pattern of weaknesses so that both can be used in remediation. It is also important to examine such factors as physical health, general overall intelligence, achievement levels in skill areas, and specific cognitive factors in order to plan the appropriate remedial program. There are wide choices of diagnostic techniques, and this paper will concentrate on those which have been found useful by this examiner and by other staff members of The Kingsbury Center.

The principal issues to be addressed in a differential diagnosis are physical condition, intellectual development, academic achievement and emotional/social development.

A thorough physical examination is needed to establish that the individual is in good health and that no exclusionary physical handicapping condition exists.

The second issue is the establishment of adequate intelligence. Numerous measures of intelligence are available. The Wechsler Scales, the Wechsler Preschool and Primary Scale of Intelligence, Wechsler Intelligence Scale for Children--Revised, or Wechsler Adult Intelligence Scale--Revised, are most commonly used. These tests examine attributes of intelligence. The tests give an overall, global, IQ score called the Full Scale Intelligence Quotient in addition to Verbal and Performance IQ scores. For a child to be considered of normal intelligence, most examiners consider that his Verbal, Performance or Full Scale IQ scores must be eighty-five (85) or above. The tests also give scores on subtests of more specific abilities. The Verbal scale requires the child's listening to a question and giving an oral answer. The scale is broken down into six subtests, which measure general information, ability to abstract, ability to answer oral arithmetic questions, ability to define words, ability to answer questions about common social situations, and short-term auditory memory for rote material. The Performance tests all require visual perception; most require a manual response. They measure ability to find missing details, ability to arrange pictures to tell stories about social situations, ability to analyze and resynthesize patterns, ability to assemble wholes from component parts, ability to perform a visual-motor task quickly, and ability to plan.

Attention has long been focused on discrepancies between Verbal and Performance IQs as being indicators of the possibility of a specific learning disability. However, many experts now analyze the patterns among the subtests in other ways to find more precise learning difficulties, such as attentional factors, difficulty with spatial analysis, problems with school-learned tasks and with abstract thinking. These tests provide an overview of the child's learning aptitude, some insight into the interrelationship among the child's abilities, and a measure of verbal learning versus visual learning. Thus the pattern of cognitive strengths and weaknesses is examined. The Wechsler scales were designed to evaluate general intelligence; they were not specifically designed to predict academic aptitude nor to measure academic success.

A second set of tests, the Woodcock-Johnson Psycho-Educational Battery, was specifically designed to evaluate cognitive abilities and academic achievement, allowing the examiner to make valid comparisons among aptitudes and skills. The Woodcock-Johnson is divided into four scales, of which two will be discussed today: the cognitive abilities portion and the achievement portion. The cognitive portion of the Woodcock-Johnson consists of twelve tests whose scores are combined to give a broad cognitive score, a measure roughly similar to an IQ score. In addition, scores from the twelve subtests are used in two different sets of combinations. On the one hand they become predictors for achievement; thus there is a reading predictor, a mathematics predictor, a written language predictor and a knowledge predictor. On the other hand, the scales are combined in a different way to examine certain aspects of cognitive functioning generally seen as critical to learning: verbal skills, reasoning skills, perceptual speed and auditory memory.

The ten achievement tests of the Woodcock-Johnson give scores that are compared to the scores on the achievement predictors, and they provide a clear picture of whether a student is achieving up to prediction. A student who is not achieving up to prediction may be suffering from a specific learning disability. The pattern of scores suggests methods of remediation. For example, one of the reading predictor tests evaluates a student's ability to blend sounds to make words. There is an achievement test that examines the ability to read phonetically. If the student scores poorly on both these tests, he may be lacking in phonetic attack skills and most likely would benefit from the use of a sight approach in learning to read as well as from some remediation in phonics.

Thus these two diagnostic tools, the Wechsler Intelligence Scale for Children--Revised and the Woodcock-Johnson Psycho-Educational Battery, provide a general overview of a student's intellectual aptitude, both in the sense of general ability and in the sense of specific talents. The Woodcock-Johnson also includes measures of achievement, so that predicted learning can be compared to achieved learning, always keeping in mind that the core of a specific learning disability is the discrepancy between predicted achievement and actual achievement. Thus a student who is predicted to be achieving at a fourth grade level but who is actually achieving at a second grade level is considered to have a discrepancy serious enough to merit attention.

The use of these tests will generate some hypotheses concerning the nature of the disability from which the student is suffering. Among the questions that can be addressed are the following: Is the student a visual learner or an auditory learner? Is this student organized in his thinking? Can he answer questions that require a one-word response, or is he better able to generate longer answers? Does he have trouble searching for the single precise word? Does the student have adequate mastery of mechanical skills? How is his work with more analytic, thoughtful skills?

Supplemental techniques may be necessary to test these hypotheses. Poor memory scores can be further evaluated by tests such as the Wechsler Memory Scale or tests from the Detroit Tests of Learning Aptitude. In addition, it is important to know if a student can organize and express ideas in writing. Standardized tests of written composition as well as informal techniques are used at The Kingsbury Center to assess these areas.

The psychological and behavioral components of specific learning disabilities must also be examined, particularly in older students. By the time a learning disabled student has reached adolescence without effective treatment, he has spent most of his working life failing, and the effects of this failure on the student cannot be underestimated. Such students begin to believe that they cannot succeed; this poor self-esteem then makes it even harder for them to work. The vicious cycle continues because, with every failure, the student has more trouble working, thinks more poorly about himself, and goes on to make additional poor choices.

Another common problem of the learning disabled is impulsivity, which means that one does not delay to think about the consequences of one's actions; one acts on the impulse immediately when it is experienced. This lack of ability to delay gratification can lead to asocial acts.

Social and behavioral problems are further complicated for the learning disabled by their inability to perceive and understand social cues appropriately. Because of this problem, the learning disabled often seem out of touch with others, and they begin to act in increasingly inappropriate ways based on their poor judgments about social relationships and about appropriate conduct.

These behavioral components of the learning disabled student need to be evaluated by a competent mental health professional who can discriminate between emotional difficulties secondary to the learning impairment and emotional difficulties that have become primary in and of themselves because they have existed for so long that they have taken on an identity of their own. Such an evaluation should include interviews with the student and others and appropriate psychological testing to help understand the effect that behavioral and emotional problems have on the student with specific learning disabilities.

In conclusion, the essential components of the diagnosis of specific learning disabilities include a thorough physical examination to eliminate purely physical factors, a competent psychoeducational evaluation to evaluate the presence of adequate intelligence and the pattern of cognitive and academic strengths and weaknesses and a psychological evaluation when emotional and behavioral difficulties are suspected.

Clearly, the treatment of the learning disabled adolescent depends upon adequate diagnosis. Once the precise and adequate diagnosis is established, remediation involves the appropriate teaching of coping strategies. Particularly with an adolescent, the successful program will allow him to take charge of his own life and to develop the skills to feel himself competent rather than dependent upon the work with a tutor. All remedial strategies with adolescents demand increasing training toward independence.

An important issue in the remediation of specific learning disabilities involves the degree of severity of the disability. Obviously, the more severe the disability the more difficult the program of remediation. For my own use I divide learning disabilities into "inpatient" and "outpatient" disabilities. The outpatient disabilities are relatively easy to remediate with a consistent program of tutoring that builds on strengths and tries to train compensatory strategies for weaknesses. Students suffering from such disabilities can be maintained in a regular school placement with supplemental tutoring. Often students suffering from a specific kind of difficulty, such as difficulty in reasoning skills, can count on needing a great deal of assistance with courses built on reasoning, such as geometry, and otherwise may have relatively trouble-free school histories. Many of these students learn spontaneously how to remediate their handicapping condition. Often when a student is evaluated the student will point out his successful strategies. Particularly in the case of adolescents, students need to be informed of what their disability is so that they can be active, cooperative members of the treatment team.

The situation is far different with inpatient students, students whose handicapping conditions are severe enough to require them to be in a special school placement. Such students may need years of intensive remedial effort. A case in point is a boy who had eight years of intensive special education and, at the end of the eighth year of intensive remedial work, was still achieving in reading at a first grade level. During his ninth year in the special program his reading level grew by ten years. This boy is now a successful student in a regular college. He has just run for elected office in that college, noting that he felt that he needed to overcome the social part of his difficulty by doing the electioneering. This example is important because it demonstrates that students whose initial problems are so severe may need many years of intensive remediation before they are able to overcome their disabilities.

Another factor in terms of planning programming is the ability level of the student--very bright students who are severely learning disabled are able to come up with remedial strategies more quickly and easily than those who are less well endowed. In fact, very bright students who are learning disabled frequently are able to hide their disabililties for many years at considerable personal cost and are often relieved to find out about the disability and able to make excellent use of remediation. Thus emphasis is currently being placed on helping the learning disabled student understand his handicap and use his own learning style productively.

Deshler and Alley (1979) stress learning strategies as the important issue in terms of the remediation of learning disabilities in adolescents. Thus, the main thrust in remedial work with adolescents involves training the adolescent to use his strengths as a basis for learning strategies that enable him to cope with his disability. Once again, as noted above, with all approaches a great deal of time is necessary, and the behavioral and emotional components may have to be addressed because years of failure have produced serious difficulties for the individual.

In summary, one in ten Americans suffers from the handicapping condition of specific learning disabilities. Although specific learning disabilities cannot be cured, careful diagnosis of the exact nature of the handicapping condition can be used to establish teaching strategies that can help the disabled student become a productive member of the community.

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EDUCATION

Tutor Training Course, The Kingsbury Center, Washington, D.C.
Preceptorship in Adolescent Psychotherapy, Washington School for Psychiatry, Washington, D.C.
Ph.D., Clinical Psychology, The George Washington University, Washington, D.C. Dissertation: "A Study of Learning Disabilities: Relationship Between Research Variables and Clinical Psychological Assessment."
M.Phil., The George Washington University, Washington, D.C.
B.A, History, Bryn Mawr College, Bryn Mawr, Pennsylvania. Junior year in Geneva, Switzerland.

EXPERIENCE

1976-Present	Clinical Psychologist The Kingsbury Center Psychological testing of children and adolescents and individual and family therapy. Expert witness on needs of learning disabled children at the county, state and federal levels.
1976-Present	Clinical Psychologist, Private Practice Washington, D.C. and Bethesda, Maryland
1976-Present	Guest Instructor George Washington University, Washington, D.C. Psychology Department, Child and Adolescent Assessment
1978-Present	Lecturer and Supervisor Washington School for Psychiatry, Washington, D.C. Child and Adolescent Program
1981-Present	Guest Lecturer Georgetown University Medical Center, Washington, D.C. Department of Child Psychiatry. School Phobia, Truancy, Avoidance
1985-Present	Course Coordinator Washington School for Psychiatry, Washington, D.C. Child and Adolescent Program

Anne Parker Wake

PAST EXPERIENCE

Instructor
Catholic University of America, Washington, D.C., Department of Psychology, Masters Program. Psychological Disorders in Childhood: Behavioral Approach

Instructor
The George Washington University Medical School, Washington, D.C. Department of Psychiatry. First and second year medical school course.

Lecturer
The American University Law School, Washington, D.C.
The Psychologist as Expert Witness

Staff Psychologist and Postdoctoral Fellow in Psychology,
Children's Hospital of the District of Columbia, Department of Psychiatry
Long-term dynamically-oriented psychotherapy with children, adolescents, adults and families, both from the Clinic and from private referrals seen under supervision and through Physician's Services, Children's Hospital

Consultant
Maryland Red Cross, Montgomery and Prince Georges Counties
Peer counseling and teenage alcoholism.

Level IV Trainee
Veteran's Administration Center, Martinsburg, West Virginia
Mental status exams, psychological evaluations, inpatient group psychotherapy, and short-term psychotherapy with alcoholics and with patients with psychosomatic illnesses such as asthma and colitis.

Internship in Clinical Psychology
Children's Hospital/Hillcrest Children's Center, Washington, D.C.
Diagnostic evaluations, analytically oriented psychotherapy with children and adolescents, dynamically oriented parent work, group and family therapy.

Trainee
The George Washington University, Washington, D.C., Counseling Center
Vocational guidance, individual and group psychotherapy.

Tutor
Private. Specializing in children whose problems involved emotional difficulties or specific learning disabilities.

Remedial and Special Mathematics Teacher
Beauvoir School, Washington, D.C.
Taught children who were highly gifted in mathematics and children who found learning mathematics difficult.

PRESENTATIONS

The Kingsbury Center: Continuing Education Series, 1984—"Specialized Techniques for Evaluating the Learning Disabled: The Woodcock-Johnson Psycho-Educational Battery."

1983—"Evaluating the Learning Disabled: The Traditional Psychological Assessment and Beyond."

District of Columbia Psychological Association Day, 1983—"Issues in Child Therapy."

Association for Children with Learning Disabilities, International Conference, 1980—"Multivariate Statistical Techniques and LD Research: Some Pitfalls."

Panelist, Area A Symposium on Learning Disorders, Children's Hospital, Washington, D.C., 1979—"Diagnosis of Learning Disorders."

Association for Children with Learning Disabilities, International Conference, 1977—"Relationships Among Specific Processing Tasks, Achievement Test Performance and Psychological Assessment Variables."

American Association for Psychiatric Services for Children, 1973—Panelist on Interdisciplinary Supervision of Child Therapists.

PROFESSIONAL ORGANIZATIONS

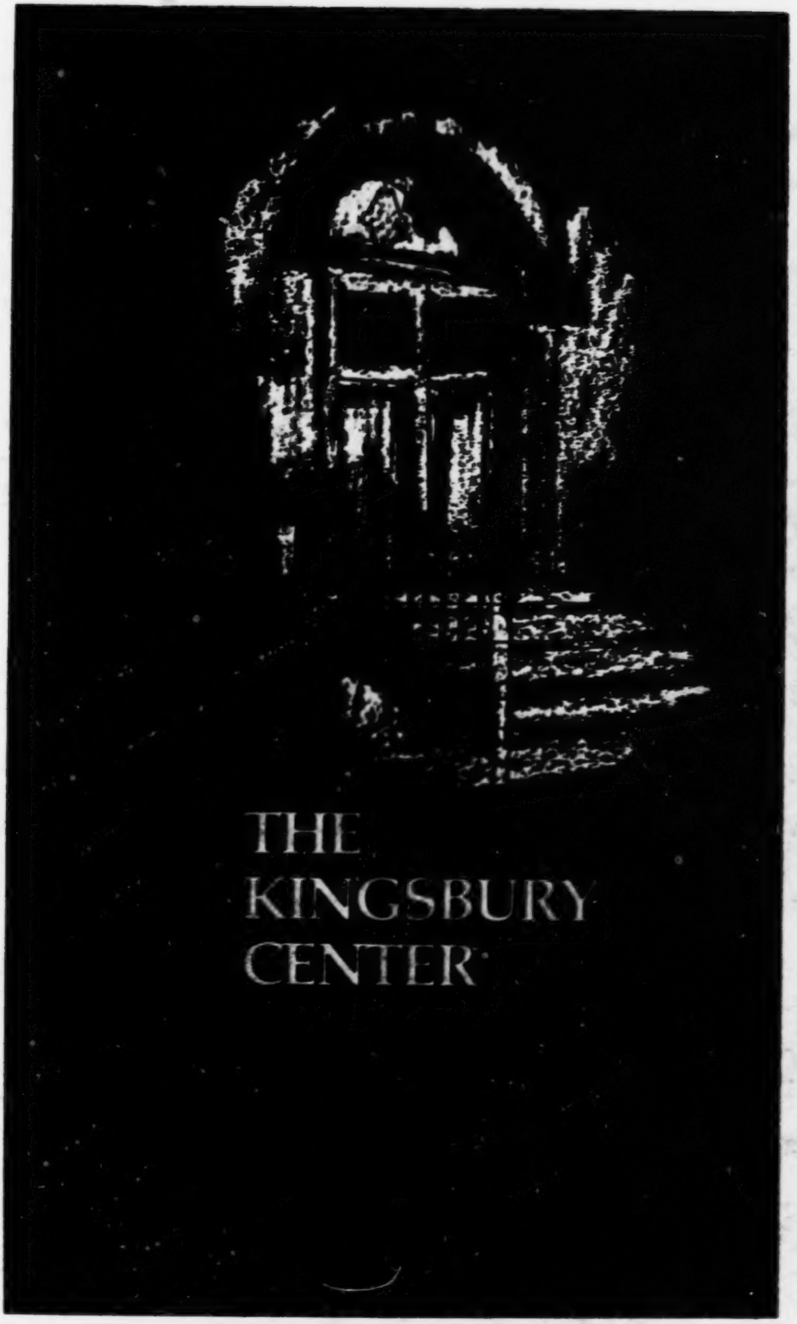
American Psychological Association
District of Columbia Psychological Association
Maryland Psychological Association

CERTIFICATION

Certified in Maryland
Licensed in the District of Columbia
Member, National Register Health Service Providers in Psychology

AWARDS

District of Columbia Psychological Association, Certificate of Recognition, November 1977



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Diagnostic Services

Diagnostic Testing ranges from a complete diagnostic evaluation to a brief pre-tutoring inventory for students who have been tested previously. The testing is designed to evaluate the student's current intellectual functioning and academic skills as well as learning style and effective learning strategies. The diagnostician also screens for psychological and neurological problems. Additionally, the diagnostician may visit the student's school to observe him in class and to consult with his teachers.

School Consultation provides regular visits to schools on a contractual basis to observe and to test students and to advise classroom teachers.

School/College Advisory provides help in selecting area day schools, boarding schools and colleges. After review of all school records, the diagnostician will meet with parents and student to examine the student's needs and to draw up a suitable list of schools and colleges. In some cases, additional testing may be necessary.

Academic/Career Counseling for teenagers and adults provides help by examining their aptitudes, interests and skills in order to select appropriate training leading towards career goals.

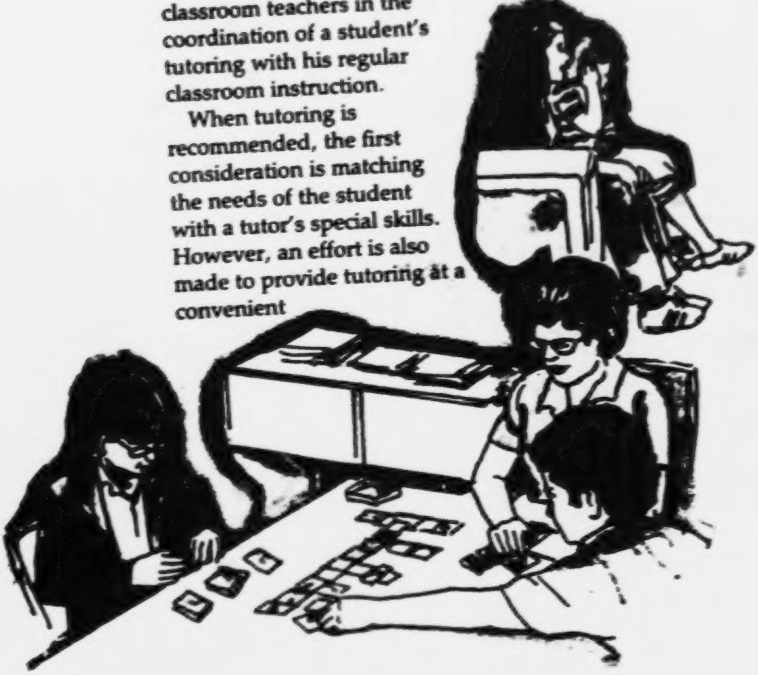
The fees for individual testing and counseling vary according to the nature of the services. The charge for a complete diagnostic testing, including pre- and post-test conferences and a detailed written report, is $550. School visits are charged additionally.

Tutoring

Skilled tutors provide specialized tutoring for individuals or small groups of students from kindergarten through college. They also tutor adults who wish to improve their reading and writing skills.

The Kingsbury diagnostician who has tested a student also directs his tutoring plan and consults with his tutor and parents in order to monitor his educational progress. In addition, the diagnostician may assist classroom teachers in the coordination of a student's tutoring with his regular classroom instruction.

When tutoring is recommended, the first consideration is matching the needs of the student with a tutor's special skills. However, an effort is also made to provide tutoring at a convenient

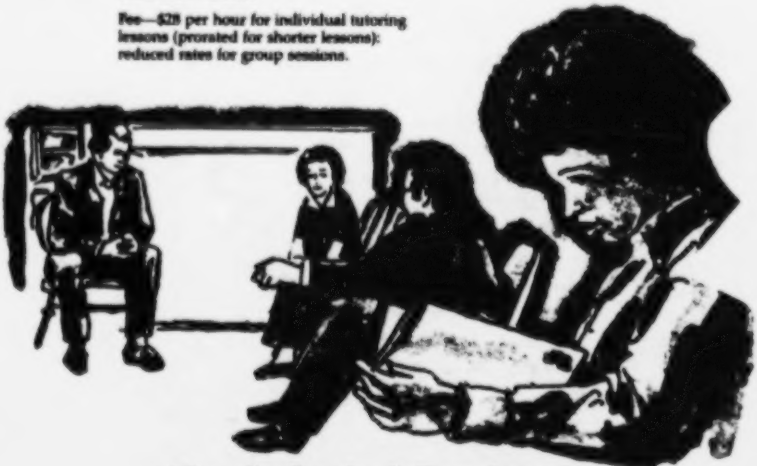


location—schools, tutors' homes or elsewhere in the neighborhood.

Kingsbury Center tutors are carefully selected; candidates must have experience in teaching or related fields. Their training at The Kingsbury Center is ongoing. It begins with a five month course in remedial techniques followed by regular consultation with a Kingsbury staff advisor for the initial 350 hours of tutoring.

Thereafter, for as long as they remain on the Center staff, all Kingsbury tutors attend regular in-service training seminars and consult regularly and individually with staff advisors.

Fee—$28 per hour for individual tutoring lessons (prorated for shorter lessons); reduced rates for group sessions.



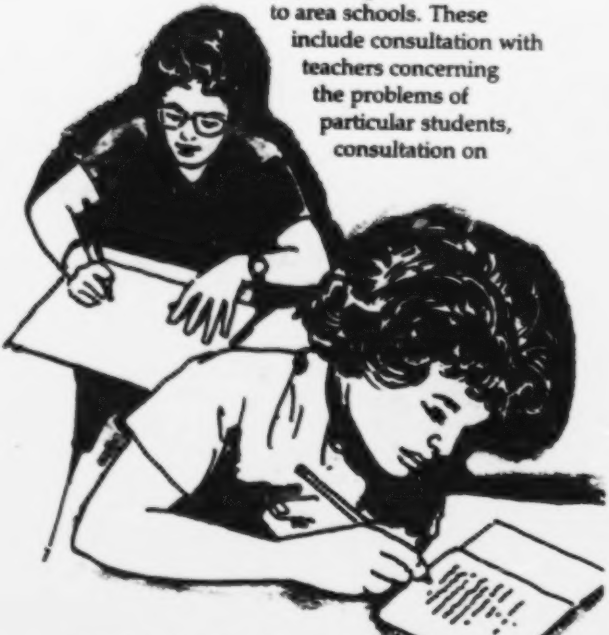
Psychological Services

Clinical psychologists on the Center staff provide psychological evaluations for individual students and a broad range of psychological counseling for students and for their families.

Psychological evaluation of individual students is offered to assess behavioral or motivational problems that may interfere with the learning process. Psychologists specializing in working with students and with their families provide parental counseling, family therapy, and individual therapy for children and adolescents.

The psychologists coordinate their services with the Center's educational departments to assure a well-integrated program tailored to the needs of each child and each family. Upon request, the psychologist will consult with the student's classroom teacher and will visit his school.

The Center also offers a variety of psychological services to area schools. These include consultation with teachers concerning the problems of particular students, consultation on general problems of classroom management, and workshops on matters of interest to a particular school.



Fee—Psychological services fees vary according to the nature of the service provided.

*The Kingsbury Center offers the convenience of **VISA**, **MasterCard** and **CHOICE** for payment of its services.*

Learning Center

The Learning Center offers small group instruction to children and adults who may or may not have learning disabilities. Academic enrichment is a major emphasis of courses in study skills, creative and expository writing, power reading, and preparation for such tests as the SAT and SSAT. Courses are taught by The Kingsbury Center's staff of experienced, professional tutors.

The Learning Center is exploring the uses of computer assisted education in developing basic skills, enhancing written expression through word processing, and developing cognitive abilities and problem solving skills.

The Learning Center also offers seminars and workshops for parents and teachers, presented by Kingsbury staff members. Topics include parent-child communication, coping with stress, understanding and using test data, guiding students in developing good study skills, and many other aspects of parenting and teaching.

The Kingsbury Center is located at 2138 Bancroft Place, Northwest, Washington, D.C. 20008–one block west of Connecticut Avenue near the Washington Hilton Hotel. The telephone number is (202) 232-5878.

Founded in 1938 by Marion Kingsbury, a pioneer in the remedial education field, The Kingsbury Center was known as the Remedial Education Center until 1964 when it was renamed in Mrs. Kingsbury's honor.

Today The Kingsbury Center is a nonprofit corporation governed by a Board of Trustees listed below.

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The Kingsbury Center adheres to a nondiscriminatory policy.

Betty (Age 18)

THE KINGSBURY CENTER

2138 Bancroft Place, N.W. Washington, D. C. 20008 · (202) 232-5878

Dear Parents:

At your request I recently performed a comprehensive psychoeducational reevaluation of your daughter Betty, who is now an eighteen year old in twelfth grade at a private school. Betty has long been identified as having specific learning disabilities—serious enough to cause her to need the help available at a school for the learning disabled. Since leaving that school she has attended a small private school. You requested this evaluation to assess Betty's academic strengths and weaknesses. You also wanted me to examine her psychological status in light of the series of catastrophic events which took place last spring. You were specifically seeking recommendations concerning possible future choices for school or other training for Betty.

Betty was rewarding to examine. She was warm, well related and clearly interested in doing her best possible work for me. She seemed to be a very well socialized and amiable young lady who appeared to have overcome many of the usual social consequences of her particular sort of difficulty. Although fidgety she was able to attend well.

On the Wechsler Adult Intelligence Scale—Revised Betty's verbal, performance and full scale IQ's were low in the average range of intelligence. She showed average aptitude for a number of tasks, including assembly of puzzles of familiar objects, pencil dexterity on a highly speeded motor task, responding with understanding of social situations, and stating the grouping principle for increasingly opposite words. Other tasks were performed slightly below average, but not significantly so. She obtained her lowest score on an oral arithmetic test; not only did she have a great deal of trouble remembering the problems but she also found it difficult to manipulate the numbers in her mind. Clearly, Betty has an auditory memory problem of some magnitude and she should be encouraged to use her more intact visual memory whenever possible. The quality of Betty's answers on the WAIS-R was solid and she showed a good deal of insight at times. The Bender Visual-Motor Gestalt Test showed solid perceptual-motor functioning and her Bender from memory included the accurate memory of five drawings, just slightly below average for her age. Human figures were relatively well drawn and she showed a real flair and talent for making a drawing into something amusing.

Betty was also administered the Raven's Progressive Matrices test, on which she scored at the seventy-fifth percentile for twenty year olds.

Betty was also administered the Woodcock-Johnson Psycho-Educational Battery, on which her performance was basically comparable to that on the Wechsler. Among the cognitive clusters she showed particular strength in reasoning and in perceptual speed, a slight weakness in verbal ability and real deficits on the memory tasks. Remembering verbal instruction is extremely difficult for Betty and she has a great deal of trouble with immediate short-term recall. She is aided in this area when instructions are presented visually as well as orally. She also showed particular strength in doing analogies and in solving spatial relations problems, two clear areas of strength for her.

On the academic portion of the Woodcock-Johnson Betty's predicted reading achievement would have been at a grade level of 9.5; her actual achievement was at 10.1. In addition, on the Nelson-Denny Reading Test Betty showed average scores for grade placement, except in reading rate, on which she obtained the very low stanine of two. Betty needs to concentrate on reading more quickly and facilely in order to be able to go through more material in a given period of time.

In math Betty's predicted achievement was 10.5; her actual achievement was 10.0, not a significant difference. On the Stanford Diagnostic Mathematics Test Betty again showed average scores. She showed a slight weakness in solving problems, however, and this seemed to be particularly related to problems involving conversion between measures and to percentage problems, areas which could certainly stand some remediation. In addition, review of geometric figures might be useful for her.

In written language Betty's performance was below average for prediction from aptitude. She was predicted to have a grade score of 11.4; she actually achieved a grade score of 8.0. Betty still needs remediation in written language skills. She appears to have slightly more difficulty with spelling than with other language tasks. She wrote a fine story for me which was exciting and interesting. Her spelling and punctuation were at times idiosyncratic, however. She was able to read a very difficult paragraph and write an accurate one-sentence summary of it. Thus Betty's complex written language skills appeared to be more developed than her simple rote mechanical skills. She could certainly use remediation of mechanics.

Her knowledge of social studies, science and the humanities was above prediction from aptitude and she is extremely knowledgeable in these areas. In addition she showed good language skills except in immediate short-term memory for complicated sentences.

Psychological evaluation showed solid development. On Incomplete Sentences she indicated concerns similar to those of most girls her age. In addition, she showed the kind of concern about damage that is frequently shown by those with specific learning disabilities. In light of the events of last spring, she is still somewhat uncomfortable in certain kinds of situations. Overall, she is so disappointed and frustrated by lack of her academic progress that she is almost ready to give up on school. Thus although Betty still shows residual psychological effects of her specific learning disability, she has to a large degree compensated for it.

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Overall Betty is a learning disabled girl of average intelligence. She has thus done a remarkable job of remediating her academic deficiencies and is currently functioning at prediction in all areas except certain written language skills. She certainly deserves to be congratulated for her fine remedial efforts and the amount of work that she has put into change. From the tests that we did it appears that Betty might have some talent in areas requiring abstract thinking such as work with computers and that she might consider taking further tests or a course in order to establish whether such a field would be of interest to her. In addition, she should make use of available time at school in order to remediate the written language deficiencies which still exist and in order to speed up her rate of work. If she is interested in taking the college boards it should be done via the untimed format.

Betty and her therapist have done solid work together and her emotional growth appears not to interfered with by the kinds of concerns often showed by severely learning disabled children. At this time I think continuing this work on an as-needed basis is perfectly appropriate. It is my sense that Betty should investigate academic programs designed for children who have had specific learning disabilities and I recommend that you begin to look at such programs. If I can be of assistance to you in this effort please contact me.

Of all the local schools, the program at the Prince Georges Community College in Largo appears to most closely be the sort of program that could meet Betty's needs. I recommend that you investigate that program for her.

Sincerely yours,

Anne W Davis

Anne W. Davis, Ph.D.
Clinical Psychologist

AWD:g

APPENDIX

Tests Administered and Test Results

Wechsler Adult Intelligence Scale--Revised (WAIS-R)

Verbal Scaled Scores		Performance Scaled Scores	
Information	8	Picture Completion	9
Similarities	10	Picture Arrangement	8
Arithmetic	7	Block Design	9
Vocabulary	8	Object Assembly	10
Comprehension	10	Coding	10
(Digit Span)	(8)		

Verbal I.Q.: 96
Performance I.Q.: 96
Full Scale I.Q.: 95

Woodcock-Johnson Psycho-Educational Battery

Cluster	Grade Score	Age Score	Percentile Range At Age
Aptitude			
Broad Cognitive Ability	9.4	14- 8	27-38
Verbal Ability	9.8	15- 4	25-40
Reasoning Ability	12.9^{72}	26^{64}	67-83
Perceptual Speed Ability	12.9^{52}	25^{50}	26-75
Memory Ability	2.4	7- 8	1- 4

	Grade Score		Percentile Range At Grade
Reading Aptitude	9.5		23-44
Math Aptitude	10.5		17-42
Written Language Aptitude	11.4		34-56
Knowledge Aptitude	10.4		27-46
Achievement			
Reading	10.1	15- 6	27-42
Math	10.0	15- 8	31-50
Written Language	8.0	13- 5	20-29
Knowledge	12.9^{58}	19-10	38-67
Skills	9.2	14- 6	19-27

Achievement-Aptitude Profile

Reading:	Average
Math:	Average
Written Language:	Below Average
Knowledge:	Above Average

APPENDIX (continued)

Clinical Evaluation of Language Functions, Advanced Level Screening Test		Percentile Rank
Processing		37
Production		56
Total		48
Stanford Diagnostic Mathematics Test		Percentile
Number Systems and Numeration		61
Computation		63
Applications		30
Total		57
Nelson-Denny Reading Test	Stanine	Percentile
Vocabulary	5	51
Comprehension	4	36
Total	5	44
Rate	2	
Raven's Standard Progressive Matrices		75
Bender Visual-Motor Gestalt Test		
Bender from Memory		
Human Figure Drawings		
Incomplete Sentences		
Thematic Apperception Test (partial)		
Tasks of Emotional Development (partial)		
Rorschach Examination		

Wide Range Achievement Test Scores
in 5th grade [illegible] (5.4)

Read.	5.2
Spelling	4.0
Arithmetic	4.4

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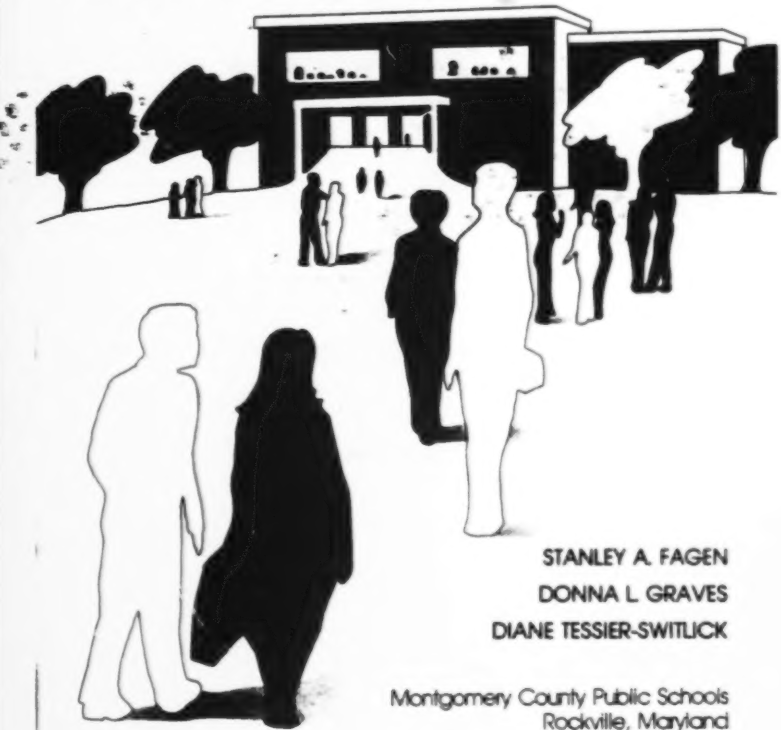
DEFINITION

The definition of specific learning disabilities that was adopted by the Association for Children and Adults with Learning Disabilities in September 1984 is as follows:

> Specific Learning Disabilities is a chronic condition of presumed neurological origin which selectively interferes with the development, integration, and/or demonstration of verbal and/or non-verbal abilities.
>
> Specific Learning Disabilities exists as a distinct handicapping condition in the presence of average to superior intelligence, adequate sensory and motor systems, and adequate learning opportunities. The condition varies in its manifestations and in degree of severity.
>
> Throughout life the condition can affect self-esteem, education, vocation, socialization, and/or daily living activities.

PROMOTING SUCCESSFUL MAINSTREAMING:

REASONABLE CLASSROOM ACCOMMODATIONS FOR LEARNING DISABLED STUDENTS



STANLEY A. FAGEN
DONNA L. GRAVES
DIANE TESSIER-SWITLICK

Montgomery County Public Schools
Rockville, Maryland

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Rockville, Maryland

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PROMOTING SUCCESSFUL MAINSTREAMING:

REASONABLE CLASSROOM ACCOMMODATIONS FOR LEARNING DISABLED STUDENTS

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Supervisor of In-service Training

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SCHOOL IN-SERVICE COORDINATOR FOR MAINSTREAMING PROJECT
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OFFICE OF SPECIAL AND ALTERNATIVE EDUCATION

Montgomery County Public Schools
Rockville, Maryland

FOREWORD

As a result of heightened knowledge about learning disabilities and improved referral and identification procedures, many previously unsuccessful students have received help from special education services. The ultimate goal of special education, however, is to promote student success in the regular program. Thus, the academic and social progress of most LD students is dependent upon shared responsibility and teamwork between special and regular educators.

This booklet provides useful suggestions for successfully mainstreaming LD students in the regular classroom by accommodating students' weaknesses that are due to their handicap. The accommodations are not designed to address the remedial needs of LD students. Instead, we have focused on techniques that individualize instruction and help students to compensate for their weaknesses.

Much has already been written about accommodations for learning disabled students. In many cases, however, suggestions made are rejected by classroom teachers because of perceived unreasonableness. That is, the already overloaded teacher, views the suggested accommodation as "not do-able". Where this booklet differs from other publications is that we have included only accommodations which are viewed as reasonable for use by regular classroom teachers.

We believe, however, that despite general consensus on the reasonableness of these accommodations, it is up to each classroom teacher to decide what is or is not reasonable for their own setting. Style of teaching, school organization, and availability of material, equipment, and support will all influence one's decision. No doubt you will find accommodations which are part of your classroom. Furthermore, we are not suggesting that all accommodations be employed in every classroom. Often the special educator provides valuable assistance for implementing regular classroom instruction for handicapped students. In the final analysis, however, each teacher must judge for himself/herself the practicality and benefit of adopting a particular accommodation.

The vast majority of classroom teachers have a commitment to helping all children learn. Most teachers foster successful achievement of many students, and are frustrated by student failures. This booklet should help meet the classroom teacher's need for practical ideas to use in overcoming learning failures of LD students, without jeopardizing the progress of other students in the classroom. In addition, we have found that many of the accommodations can be of direct benefit to non-handicapped peers as well as LD students.

Stanley A. Fagen

Donna L. Graves

Diane Tessier-Switlick

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ACKNOWLEDGEMENTS

This booklet reflects the thoughtful contributions of numerous teachers, parents, and administrators in Montgomery County and Washington County Public Schools, Maryland. Parts of the booklet were reviewed by more than 200 staff from both counties. Many people read the booklet in entirety, submitting written critiques which were invaluable in shaping the final product. We would like to express our appreciation to the following staff for reacting to draft versions of the full manuscript: Rita Bateman, Marsha Bisker, Kathryn Blumsack, Mary Bromwell, Betsy Brown, Lois Burack, Joan Cisz, Jacqueline Chesser, William Clark, Carol Dahlberg, Diane Filmore, Carol Fox, Lenny Girlando, Laura Goulding, Laura Hart, Sybil Harrison, Marlene Hartstein, Gail Hooker, Andy Humenay, Smyrna Jackson, Karen Kresge, Norma Kuehnle, Tom Kranz, Mary Bowman-Kruhm, Elsa Leonard, Nancy Mann, Judith Mann, Charlotte Matacia, Gladys McClain, John Nori, Joy Odem, John Pancella, George Paplo, Ellie Patton, Richard Pottinger, William Reed, Ann Richmond, Jack Robinson, Arnold Rosenberg, Ted Schuder, Pan Skulsky, Judy Tonkery, Sally Walsh, Robert Whalen, Cheryl Wilhoyte, Richard Wilson, and Diana Wollin.

We are also grateful for the steadfast encouragement, commitment and evaluative feedback of the following parents who serve as advocates for students with special needs: Judith Borten, Vicki Bowers, Diane Brasile, Janet Bykoski, Joan Karasik, Monica Krieg, Judy Levi, Cory Moore, and Linda Privitera.

Colleagues in the Special/Alternative Education In-service Training Unit have supplied knowledgeable and creative suggestions, as well as perceptive critiques throughout the process of completing the booklet. To Sharon Healy, Jeff Hill, Rose Ray, Myrna Roberge, Diana Thompson and Jan Wintrol we say "bless you". Praise is due Lisa Ritzenberg for her careful and efficient typing of the many drafts and (at long last) the camera-ready copy.

We wish to thank Betty Reinhart, Washington County Public Schools; Joan Maynard, Maryland State Department of Education; Tom Behrens and James Siantz, United States Office of Special Education, for their help and cooperation in carrying out the federally funded School In-service Coordinator for Mainstreaming Project. Finally, we extend our appreciation to Hiawatha Fountain, Associate Superintendent for Special and Alternative Education, and Thomas O'Toole, Director of Special Education, Montgomery County Public Schools, for providing the supportive leadership which has made this booklet possible.

INTRODUCTION

/Background and Purpose of Booklet/

The Education of All Handicapped Children Act of 1975 (Public Law 94-142) extended the equal protection clause of the 14th amendment of the U.S. constitution to handicapped children. To assure equal educational opportunity for handicapped children the law specifies procedural safeguards, one of which is placement in the least restrictive environment (LRE). Although the term "mainstreaming" never appears in P.L. 94-142, it is subsumed under the LRE concept. Thus, LRE requires a continuum of alternative placements from special school to regular program with supplementary services. Mainstreaming refers to inclusion of handicapped students in the regular program for all or part of the school day.

It seems clear that enactment of P.L. 94-142 has turned the momentum of special education from placements out of the regular program to reintegration or maintenance within the regular program. Equality of opportunity has been translated into specific criteria for LRE: (1) "to the maximum extent appropriate, handicapped children ... are educated with children who are not handicapped, and (2) That special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily" (P.L. 94-142). At this point, more emphasis is being placed on the goal of mainstreaming than ever before.

There is evidence that handicapped students are more likely to succeed in the mainstream when the teacher has developed skills for classroom accommodations (e.g., varying learning modality, adjusting pace, structuring for cooperative interaction, varying channels for task completion) (Redden & Blackhurst, 1978; Hoben, 1980; Macmillan & Wheatley, 1981; Fagen & Wintrol, 1983). However, a major controversy exists over the question of what are the specific responsibilities of regular educators with respect to handicapped children. In a fact sheet on this subject prepared by the Policy Research Center of the Council for Exceptional Children, the authors state:

> "Whenever a handicapped child is placed in a regular classroom, the responsibility of the regular educator for that child is the same as for any other child in the classroom. Because all children differ with respect to amount of learning, rate of learning, and learning style, minor modifications in methodology, curriculum, or environment are often necessary for both nonhandicapped and handicapped children. Special education, which involves significant modifications in methodology, curriculum, or environment, may also be delivered to some handicapped children in regular classrooms. Whenever this arrangement is specified in the child's IEP, the development of such specially designed instruction is the responsibility of special educators. Regular educators are responsible for assisting the child in carrying out the program ..." (Barresi & Mack, 1979).

As this quote indicates, the question of specific responsibilities of regular teachers depends on the extent to which teachers can be expected to modify their classroom instruction for mainstreamed students. Given the Council for Exceptional Children viewpoint expressed above, the regular teacher is responsible for "minor" accommodations or modifications, while the special educator is responsible for "significant" accommodations. Although this distinction draws a broad range of possible classroom accommodations from minor to significant, it does not provide any clearcut resolution to the question of specific teacher responsibilities.

For the most part, whether the regular teacher is or is not responsible for a particular accommodation depends on subjective judgement. For example, the special educator or parent of a hearing impaired child may insist that the regular teacher is responsible for writing clear instructions on the board or separate handout instead of merely verbalizing instructions. The teacher, however, may feel this is a significant modification in that she does not have the time to prepare separate written directions for the numerous activities assigned. Disagreements of this sort are commonplace in schools and often escalate to conflict, accusations, and bad feelings between parties concerned. While all may start with a sincere interest in doing their best for the student, the conflicting expectations of teacher responsibility create negative forces which seriously undermine the prospects for successful mainstreaming.

At the national level the issue of conflicting expectations for regular teacher responsibility is most closely related to the P.L. 94-142 proviso that "to the maximum extent appropriate, handicapped children are educated with children who are not handicapped." In other words, how much modification is appropriate? At the local district level, school board policy often has the most direct bearing on expectations for teaching handicapped children in the regular program. In Montgomery County Public Schools, Maryland, the Board of Education adopted a policy which stipulates:

> "When students can profit from full-time, part-time or occasional participation in the regular program, schools are expected to make reasonable accommodations to the specific needs of the handicapped child to promote appropriate integration" (1978).

Regardless of the language used, there is no doubt that the issue of regular classroom accommodation or modification is critical for mainstreaming. As Stephens, Blackhurst and Magliocca put it: "Accommodation and adjustment of the learning environment is a primary responsibility of the (regular) teacher in working with the exceptional student" (1982). It is intended that this booklet on reasonable classroom accommodations will advance the use of helpful classroom accommodations for mainstreamed learning disabled students in a way which is acceptable to regular teacher, special teacher and parent alike. The booklet has been developed to meet two specific purposes:

1. To promote regular teacher knowledge of helpful classroom accommodations which have been judged reasonable by peers,
2. To enable regular teacher to select accommodations which are reasonable for use in their own classroom.

/Criteria for Determining Reasonableness of Accommodations/

In addressing the issue of reasonableness of any classroom accommodation it is important to begin with a positive assumption - that regular classroom teachers care about their students and their program. Considering the many stresses and demands upon teachers, the relatively low pay, and limited assistance available, it is hard to imagine anyone choosing a teaching career without genuine commitment and pride. The point is that the regular classroom teacher has a very personal stake in mainstreaming, particularly if change or modification in the classroom program is involved. Our experience in conducting regular teacher in-service for mainstreaming during the past ten years convinces us that the most important ingredient for mainstreaming success is respect for the classroom teacher (Fagen, et al, 1983). In relation to reasonableness of classroom accommodations, respect means consideration of the regular teacher's viewpoint.

Generally, the regular teacher reacts to possible changes in her classroom in terms of three questions: (a) how much extra time is involved?, (b) what will I have to do differently?, (c) how much will it cost? Determining reasonableness should basically be a process by which the regular classroom teacher selects helpful accommodations which are time, workload, and cost-effective. This was the approach used in compiling the accommodations listed in this booklet.

All accommodations listed here were first judged on the following continuum or range of reasonableness:

1. Low Reasonableness = accommodations that require much extra time, much change in usual teaching practices, and much additional help.

2. Moderate Reasonableness = accommodations that require some extra time, some change in usual teaching practices, and some additional help.

3. High Reasonableness = accommodations that require little extra time, little change in usual teaching practices, and little additional help.

Thus, reasonableness has been conceived as a variable in that the same teacher may perceive different accommodations as more or less reasonable, and different teachers may perceive the same accommodation as more or less reasonable. For purposes of this booklet, however, only accommodations which were judged at least "moderately reasonable" (by 80% of the teachers rating that accommodation) were included.

Inclusion of an accommodation as reasonable depended on two additional factors: (a) Value or helpfulness, (b) Impact on class group. Teachers who participated in the critiquing of accommodations were asked to indicate any that were not seen as valuable for a learning disabled student or that would adversely effect the peer group. All accommodations contained in the booklet have been judged as valuable for the LD student and as having positive or neutral impacts on the whole class (by at least 80% of the teachers rating that accommodation).

/Development and Organization of Booklet/

This booklet has been published as part of a three year federally funded project sponsored by the Division of Personnel Preparation, Office of Special Education and Rehabilitative Services. The project entitled, School In-service Coordinator for Mainstreaming (SICM) Program, has as its mission the training of regular classroom teachers, special educators, and administrators at the local school level. In-service training is provided to build knowledge, skills, and attitudes to ensure a quality education for mainstreamed handicapped students. The main purpose of the federal project has been to establish a replicable model for selecting and preparing school in-service coordinators for mainstreaming by linking an out-of-school teacher trainer to an in-school staff resource (SICM). With cooperation and assistance from the Maryland State Department of Education, the project has prepared SICMs to support school-based mainstreaming in three Maryland counties - Montgomery County, Washington County, Calvert County.

Development of the booklet entailed: (a) compiling, organizing, and rating accommodations, and (b) preparing, critiquing and revising the manuscript. The following steps describe the complete process:

1. Review of the literature for suggested accommodations for LD students.

2. Gathering strategies suggested in case studies written by regular teachers during completion of in-service courses on Teaching Students with Special Needs.

3. Preparing a draft list of all accommodations compiled from literature review and case studies; organizing accommodations into learning-performance, problem, and subject areas.

4. Deleting all accommodations rated "Low Reasonableness" by teacher specialists responsible for consultation and training of School In-service Coordinators for Mainstreaming (SICM).[1]

5. Obtaining critiques and ratings from 127 SICMs in Montgomery County and 10 SICMs in Washington County, during in-service workshops in which pairs of regular and special education teachers reviewed accommodations in specific areas (e.g., five different pairs reviewed suggested accommodations on delivery of instruction to students with auditory problems). All accommodations were rated for reasonableness by at least three different regular education-special education teacher pairs.

---

[1] A School In-service Coordinator for Mainstreaming is a full-time teacher who has been selected by the Principal to coordinate school-based training activities to facilitate successful mainstreaming. Appendix A describes the responsibilities of the SICM and the School In-service for Mainstreaming Committee.

6. Revising and deleting accommodations based on critiques and ratings by SICMs.

7. Obtaining critiques and ratings from regular education curriculum and instruction experts and from experts in mainstreaming learning disabled students.[2]

8. Obtaining critiques and ratings from a sample of 20 regular education teachers with little or no training in mainstreaming.

9. Revising, deleting, and reorganizing accommodations based on critiques and ratings gathered in steps 7 and 8.

10. Final review of suggested accommodations by teacher specialists responsible for consultation and training of SICMs.

We have sought to organize the suggested accommodations into as simple a format as possible, without giving up necessary differentiations for types of problem or academic subjects. Classroom accommodations are organized into two main chapters: delivery of instruction and student performance.

Delivery of instruction pertains to the various ways in which a classroom teacher can provide information and material to students in order to help them acquire knowledge. Accommodations enhance the teacher's input to students.

Student performance encompasses the range of methods by which teachers can promote responses from students. Accommodations enhance teacher management of student output.

As shown in the Table of Contents, each of the main chapters are divided into sections which focus more specifically on a problem or situation. Within delivery of instruction, accommodations are identified for: (a) all L.D. students, (b) students with visual perception problems, (c) students with auditory perception problems, (d) students with fine motor problems, (e) students with organizational problems. The student performance chapter offers reasonable modifications as applied to: (a) learning situations, (b) teacher-made testing situations, (c) standardized testing situations.

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[2] Experts included special education in-service training staff, classroom teachers selected as demonstration-training teachers, and in-service course instructors recognized for their expertise in learning disabilities.

Several sub-sections offer strategies or accommodations which are valuable for all LD students regardless of their specific problems. These sub-sections which are relevant to all regular classroom teachers (elementary and secondary) are:

Delivery of Instruction - General Strategies for All LD Students
Student Performance:

- In Learning Situations - General Strategies
- In Teacher-Made Testing Situations - Accommodations for All LD Students
- In Standardized-Testing Situations - Accommodations for All LD Students

Throughout the booklet, classroom accommodations are arranged in a consistent order. **Listed first in each sub-section are those accommodations rated by teachers and experts as "highly reasonable" for the regular classroom; these are marked by an asterisk(*).** Most listed accommodations were judged applicable for elementary and secondary classrooms. Occasionally, an accommodation is seen as applicable only to the elementary or secondary level. Where this is the case, the accommodation will be followed by the notation "Elementary" or "Secondary" in parenthesis. "Moderately reasonable" accommodations are listed below those rated with an asterisk as highly reasonable.

It should be remembered, however, that it is the individual classroom teacher who makes the final judgement of the reasonableness of any accommodation. Thus, even though our peer rating process has resulted in the accommodation being listed as at least moderately reasonable, a particular teacher may justifiably regard one or more of the accommodations included in this booklet as unsuitable for his or her classroom.

The purpose of any accommodation is to enable an LD student to learn to the best of his or her ability. Since a student's handicap or weakness may cause marked difficulty in the regular classroom, teaching accommodations are intended to prevent or circumvent failures resulting from such weakness. **Accommodations which circumvent, i.e., bypass or avoid, the weakness are indicated with a C in the left hand margin.** All other accommodations are intended to help the student by using strengths along with the weakness.

/Characteristics of Learning Disabled Students/

According to Haring and Bateman (1977), the term "learning disabilities" came into use during the late 1960s and early 1970s. Initially, students with serious learning difficulties unexplained by intellectual or emotional deficits were described in terms of a neurological disorder, for example, "minimal brain dysfunction", "brain injured", "aphasic", "hyperactive". Gradually, however, the focus shifted from medical to educational services and to more functional and behavioral definitions.

At the present time, learning disability is legally defined under P.L. 94-142 (The Education of All Handicapped Children Act of 1975) as follows:

> "Specific learning disability: means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to children who have learning problems which are primarily the result of visual, hearing, or of environmental, cultural, or economic disadvantage."

Functionally, a specific learning disability is characterized as low achievement in relation to the student's aptitude. It is indicated when a severe discrepancy between achievement and cognitive ability is identified in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematics calculation, or mathematics reasoning.

Who Is This Child?[3]

USUALLY . . .

- This is an intelligent child who fails at school.
- This is the child who at school age reads "on" for "no", writes 41 for 14, p for d or q for b, and can't remember the sequence of letters that make up a word.
- This is the child who loses her homework, misplaces her book, doesn't know what day it is, or what year, or what season.
- This is the child who calls breakfast "lunch" . . . who is confused by "yesterday", "today", and "tomorrow", the child whose timing is always off.

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[3] Excerpted from Plain Talk About Children With Learning Disabilities, National Institute of Mental Health, Division of Scientific and Public Information, Plain Talk Series, 1979.

FREQUENTLY . . .

- This is the child who can't picture things in his mind, who can't visualize or remember what he sees.
- This is the quiet child who bothers nobody in the classroom but does not learn.
- This is the older child whose language comes out jumbled, who stops and starts in the middle of a sentence or an idea . . . who talks about hopsitals, aminals, and emenies.

SOMETIMES . . .

- This is the child who can add and multiply but not subtract or divide . . . who can do math in his head but can't write it down.
- This is the child who skips words, omits them, or adds them when he is reading aloud.

Specific Problem Areas

The organization of this booklet will enable teachers to consider classroom accommodations appropriate for all learning disabled students, as well as those tailored to certain specific educational problem areas. Specific problem areas have been prioritized in terms of their significance for classroom learning. Table 1 summarizes the specific problem areas which frequently impair the LD students ability to (1) receive or profit from classroom instruction, and (2) demonstrate knowledge or skill through classroom performance.

TABLE 1

SPECIFIC PROBLEM AREAS IMPAIRING LD STUDENT'S LEARNING

Problems Related to Receiving Instruction	Problems Related to Demonstrating Performance
1. Visual Perception problems	1. Written/Motor Expression problems
2. Auditory Perception problems	Verbal Expression problems
3. Fine Motor problems	
4. Organizational problems	

For example, consider Paul's problem area. Paul is a twelve year old boy who might be described as a scatter-brain. He never seems to be able to put his hands on what he is looking for, and he always seems to be looking for something. His problems begin in the morning when he cannot find his hair brush, shoes, or books. When he gets to school he cannot locate his homework, or he forgot his notebook, pencil or paper, or he picked up the wrong book. His locker looks like the aftermath of a serious tornado and is garnished by molding food from lunches he remembered to bring but forgot he brought. His grades are low because he often fails to turn in homework not knowing when it was due, or because of sloppiness and disorganization. Paul wants to do well and gets frustrated when he is unprepared (which is often). He is amazed at people who can get so many things done because he is often confused about the tasks before him. He is losing his self confidence as a result of the annoyance he produces in those who expect him to succeed and improve.

It is clear that Paul has far reaching organizational problems which seriously jeopardize school adjustment and success. Thus, in considering accommodations for Paul it is important to review suggestions specific for organizational problems, as well as those suitable for all LD students.

/Observable Classroom Behavior in Specific Problem Areas/

Students with learning disabilities often reflect their specific problems in everyday classroom behavior. By attending to these observable behaviors, the regular teacher will be better able to consider classroom accommodations which can be helpful. However, conferencing with the student's special education teacher is strongly advised in order to further delineate specific problems affecting classroom work.

Following are observable classroom behaviors which often accompany specific problem areas.

I. PROBLEMS RELATED TO RECEIVING INSTRUCTION

/Visual Perception Problems/

- Frequently loses place when reading or copying
- Has trouble discriminating similar shapes, letters, words
- Does not enjoy pictures, slides, or books
- Has difficulty reading and copying accurately from blackboard
- Shows signs of eye strain, e.g., squinting, blinking, holding head close to page
- Has trouble following written directions from board or printed page
- Works slowly on printed assignments or tests
- Displays poor sight vocabulary
- May use fingers to keep place while reading
- Skips words or reverses words when reading aloud
- Cannot visualize things in mind
- Demonstrates erratic spelling or incorrect letter sequences
- Does not notice details on pictures, maps, photographs
- Confused by worksheets containing a great deal of visual stimuli
- Has difficulty remembering what is seen
- May whisper to self while working with visual material

/Auditory Perception Problems/

- Has trouble distinguishing fine differences between sounds and words, e.g., d-t, pin-pen
- Loses interest or concentration during lectures
- Has difficulty following a series of oral directions
- Cannot accurately record notes from oral presentations
- Displays poor receptive vocabulary
- Repeats what is told before acting or responding
- Often repeats the same question
- Asks questions about oral directions and facts previously given
- May watch the speaker's face intently or lean forward toward the speaker
- Does not enjoy listening to records or rhythmic activities
- Becomes irritated by extraneous noise
- Has difficulty learning and applying phonic rules
- May have difficulty remembering what is heard

/Fine Motor Problems/

- Displays poor handwriting, including difficulty forming letters and numbers
- Has difficulty in activities requiring cutting or pasting
- Finds it hard to trace or color within the given borders
- Has trouble with speed and neatness in taking notes
- Shows fatigue and restlessness during writing or drawing tasks
- Handwritten work often appears sloppy and disorganized
- Has difficulty manipulating or using small objects and tools, e.g., nuts and bolts, screwdrivers, puzzle pieces
- Usually works slowly in completing written work
- Has trouble making straight lines to connect points, match answers or label maps
- Is clumsy with tasks requiring sorting, cutting, etc.
- Displays poor copying skills

/Organizational Problems/

- Demonstrates poor organization of work on paper
- Frequently misplaces books, pencils, homework, etc.
- Becomes disoriented during confusing situations such as fire drills, assemblies, etc.
- Is easily distracted by extraneous stimuli and is often off task
- Has difficulty getting started on assigned activities
- Has difficulty distinguishing main ideas from details
- Has trouble developing an outline
- Has trouble making choices and identifying priorities
- Loses track of time, tends to get disoriented when moving from place to place
- Always seems to be doing things at the last minute
- Has a "messy" desk, locker, or notebook
- Frequently forgets assignments, directions, schedules
- Has difficulty adjusting to changes in routine

II. PROBLEMS RELATED TO DEMONSTRATING PERFORMANCE

/Written/Motor Expression Problems/

- Has difficulty writing answers on paper, but may be able to give correct answers orally
- Written vocabulary is much weaker than spoken vocabulary
- Handwritten work may appear sloppy and disorganized
- Has difficulty shading in answers on score sheets
- Written ideas and concepts are usually stronger than writing mechanics, e.g., spelling, syntax, vocabulary level
- Has trouble writing a sentence with a complete thought
- Demonstrates poor spelling skills
- Tests better on objective tests than tests which require writing, e.g., essays, definitions
- Frequently does not complete written assignments

/Verbal Expression Problems/

- Does not enjoy discussions, oral presentations, or reading aloud
- Has difficulty explaining self clearly and coherently
- Displays poor speech, e.g., articulation, fluency, expressiveness
- Is unable to vocalize thought rapidly
- Uses slang or colloquial terms instead of more precise words
- Spoken vocabulary is much weaker than written vocabulary
- Is reluctant to volunteer ideas or respond verbally to questions
- Remarks, when made, are often irrelevant, confusing, or inaccurate
- Appears to be uncomfortable speaking in a group
- Has difficulty recalling a word he/she wants to use
- Uses grammatically incorrect sentences

/Suggested Process for Using This Booklet/

The present booklet contains 180 separate classroom accommodations listed under Delivery of Instruction and 81 accommodations under Student Performance. Accommodations are identified by (a) problem area in relation to (b) instructional subject or performance situation. Understanding the multiple demands upon the regular teacher's time, we encourage practical use of this booklet. In our view, the most practical and time-efficient use of the booklet is in relation to a particular mainstreamed student. While the booklet can be read in its entirety for general information it will only become of real value when used by or with an individual teacher matched to a specific student.

To facilitate effective use of the booklet, it is suggested that the following process be used (whether initiated by special education teachers who consult with regular teachers or by regular teachers on their own):

1. Review the individual student's strengths and problems as observed in the regular classroom.

2. Consider the student's (a) problem area, and (b) the instructional subject and/or performance situation, and decide on parts of the booklet which are pertinent.

   Table 2 provides a grid which matches the student problem area to the subject or situation. Using Table 2 as a guide note any specific problem areas and read suggested accommodations for instructional subjects and performance situations of relevance.

   For example, Michelle presents fine motor problems while Receiving Instruction in All Subjects and shows written/motor problems in Demonstrating Performance. Michelle's teacher should then be sure to review accommodations in those areas.

3. In addition to reading accommodations which match to specific problem areas, review accommodations listed in "All LD" areas (marked with a ★ in Table 2).

It is recommended that the "Checklist of Reasonable Classroom Accommodations" on pp. 16-20 be used as pertinent sub-sections of the booklet are reviewed for an individual student. The checklist summarizes all strategies and accommodations, and provides a quick reference to the overall organization of the booklet. Appendix C contains the same checklist which can be removed and photocopied for individual student use.

TABLE 2

Classroom Accommodations Matching Grid

	PROBLEM AREA	All Subjects	Reading/ Literature	Spelling/ Writing	Math	Social Studies/ Science
Receiving INSTRUCTION	ALL L.D.	★	■	■	■	■
	VISUAL					
	AUDITORY					
	FINE MOTOR					
	ORGANIZATION					

	PROBLEM AREA	Learning Situations	Teacher Tests	Standard Tests
Demonstrating PERFORMANCE	ALL L.D.	★	★	★
	WRITTEN/MOTOR			■
	VERBAL			■

/CHECKLIST OF REASONABLE CLASSROOM ACCOMMODATIONS/

DELIVERY OF INSTRUCTION

I. /ALL L.D./ *

____ 1. Multisensory
____ 2. "Hands-On"
____ 3. Modify format
____ 4. Simple → complex formats
____ 5. Small, sequential steps
____ 6. Relevant material
____ 7. Frequent review/repetition
____ 8. 1:1 structure
____ 9. Use of clues/hints
____ 10. Use of webs/diagrams

II. /VISUAL PERCEPTION PROBLEMS/

A. All Subjects

____ *1. Clear copy
____ *2. Close seating
____ *3. Write clearly
____ *4. Verbal w/visual
____ *5. Visual focussing aids
____c*6. Oral directions
____c*7. Buddy reader
____c*8. Peer notetaker
____c*9. Sum key points
____ 10. Reduced visual distractions
____ 11. Concise, clear written directions
____ 12. Taped material
____ 13. Color coding
____ 14. Visual/clues/flags
____ 15. Primary type
____ 16. Copy of lecture notes
____ 17. Activity worksheets
____ 18. Near to far copying
____ 19. Correct notes w/model
____ 20. Teach to copy/proofread
____ 21. Highlighted texts

B. Reading/Literature

____ *1. Color highlighting
____ *2. Intro new vocabulary
____ *3. Use of index card
____ *4. Purpose for reading
____ *5. Reading pairs
____ *6. Comprehension discussions
____ *7. Discuss written responses
____ *8. Peer reading aloud
____ *9. Label objects
____ 10. Divide multisyllables
____ 11. Illustrate vocabulary
____ 12. Chart of missed words
____ 13. Outlining/webbing aids
____ 14. Reading/discussion groups
____ 15. Color code vowel/patterns
____ 16. Use of context

C. Spelling/Writing

____ *1. Post misspelled words
____ *2. Misspelled word notebooks
____ 3. Use of journal
____ 4. Story dictation
____ 5. Learning partners
____ 6. Discuss/post synonyms
____ 7. Brainstorm words
____ 8. Spelling requests
____ 9. Spelling/reading coordination

D. Math

____ *1. Verbalize steps
____ *2. Key words
____ *3. Distinguish operations
____ *4. Group operations
____ *5. Alert to operations
____ *6. Exchange worksheets
____ 7. Spacing/cut outs for worksheets
____ 8. Manipulatives
____ 9. Computation aids
____ 10. Fraction circles

E. Social Studies/Science

____ *1. Periodic pauses
____ *2. Summarize/questions
____ *3. Review
____ *4. Teach book format
____ 5. Adapt text
____ 6. Reliable group

Note:* Accommodations marked by an asterisk (*) were rated "highly reasonable" by classroom teachers.

III. /AUDITORY PERCEPTION PROBLEMS/

A. All Subjects

____ *1. No distraction seating
____ *2. Short oral directions
____ *3. Oral with written directions
____ *4. Student repeats directions
____ *5. Alert to directions
____ *6. Talk slower
____ *7. Vary voice tone & pitch
____ *8. Quiet work area
____ *9. Key points on board
____ *10. Notetaker
____ *11. Summarize with visuals
____ *12. Visual with auditory
____ 13. Circulate and assist
____ 14. Give copy of notes
____ 15. Teach students to listen

B. Reading/Literature

____ 1. Outline of lecture
____ 2. Listening center
____ 3. Visual & motor with oral presentation
____ 4. Stress visual phonic pattern
____ 5. Word families

C. Spelling/Writing

____ *1. Pictures → written
____ 2. Group words with same visual patterns
____ 3. Dictation
____ 4. Make dictionaries

D. Math

____ *1. Visual cue
____ *2. Example on worksheet
____ *3. Problem solving sequence chart
____ *4. Manipulatives → symbols
____ 5. Flash cards

E. Social Studies/Science

____ *1. Wait time
____ 2. Worksheet guide with film
____ 3. Audiovisual to introduce & summarize

IV. /FINE MOTOR PROBLEMS/

A. All Subjects

____ *1. Model good handwriting
____ *2. Adjust expectations
____ *3. Paper placement
____ *4. Teach erasing
____ 5. Few copying activities
____ 6. Appropriate writing materials
____ 7. Reduce writing requirement
____ 8. Spacing of letters
____ c9. Notetaker
____ c10. Student types

B. Reading/Literature

____ 1. Word bank
____ 2. Manipulatives

C. Spelling/Writing

____ *1. Purpose of good handwriting
____ *2. Talk through letter formation
____ 3. Every other line
____ 4. Transition from print to cursive
____ 5. Chart of letter formation
____ 6. Color baseline
____ 7. Tracing
____ 8. Start & end point
____ 9. Large motor writing activities
____ 10. Directional cues

D. Math

____ *1. Lined paper vertically
____ *2. Graph paper
____ 3. Calculator

E. Social Studies/Science

____ 1. Modify map/chart work

V. /ORGANIZATIONAL PROBLEMS/

A. All Subjects

____ *1. Daily routine
____ *2. Work area clear
____ *3. Homework recording
____ *4. Samples of finished product
____ *5. Review and summarize
____ *6. Workbook pages one at a time
____ *7. Factual → abstract questions
____ 8. Homework assignments posted in same place
____ 9. List of all assignments given
____ 10. Explain change in routine
____ 11. List steps for assignment
____ 12. Uncluttered worksheets
____ 13. Timeframe for long term assignments
____ 14. Procedure for finished work
____ 15. Time to organize
____ 16. Short & simple directions
____ 17. Colors for each book cover
____ 18. Notebook with dividers
____ 19. Choice of two options → many
____ 20. Cue to inferential thinking
____ 21. Page answers on
____ 22. List of materials needed
____ 23. SQ3R
____ 24. Block worksheets
____ 25. Clock face for due time
____ 26. Review notes daily
____ 27. Teach abbreviations
____ 28. Notetaking using web or outline

B. Reading/Literature

____ 1. Study guide
____ 2. Teach outlining
____ 3. Purpose of reading

C. Spelling/Writing

____ 1. Prewriting activity
____ 2. Sequence with comics
____ 3. Guide for structuring writing
____ 4. Story starter
____ 5. Group writes story
____ 6. Criteria for content & mechanics
____ 7. Topic sentence & details
____ 8. Structure for reports
____ 9. Include question in answer
____ 10. Use margins
____ 11. Number answer sheets

D. Math

____ 1. Easy → hard problems
____ 2. Fold math paper

E. Social Studies/Science

____ 1. Study guide questions
____ 2. Divided page notetaking
____ 3. Note key points
____ 4. Use abbreviations
____ 5. Preview text for lecture
____ 6. Recall new information

VI. /OTHER ACCOMMODATIONS/ (Use space to specify additional recommendations.)

STUDENT PERFORMANCE: LEARNING

I. /ALL L.D./ ★

_____ 1. Additional support

_____1(a) "Buddy" system

_____1(b) Peer tutors

_____1(c) Volunteers/aides

_____1(d) Cooperative learning

_____ 2. Allow explanation

_____ 3. Use of mistakes

_____ 4. Self-checking

_____ 5. Instructional games

_____ 6. Charting progress

_____ 7. Multi-modal response

II. /WRITTEN EXPRESSION PROBLEMS/

_____ *1. Allow more time

_____ *2. Use of short answers

_____ *3. Phrases ➜ sentences

_____ *4. Stress accuracy

_____ *5. Class time to work

_____ *6. Specific feedback

_____ *7. Specific feedback

_____ *8. Check with a model

_____ *9. Use pictures with written product

_____ *10. Proofreading checklist

_____*11. Skip lines in draft

_____ 12. Oral reports

_____ 13. Answer fewer questions

_____ 14. Reduce writing requirements

_____ 15. Check work on calculator

_____ 16. Distraction free work area

_____ 17. Modify original task

_____ 18. Proofread draft

_____ 19. Journals

_____*20. All-student response cards

_____*21. Tape answers

III. /VERBAL EXPRESSION PROBLEMS/

_____ *1. Extra time to answer

_____ *2. Hint

_____ *3. Notes with oral report

_____ *4. Visual with oral report

_____ *5. Read silently ➜ orally

_____ *6. Small group discussion

_____ *7. Time limit on oral reports

_____ 8. Rate oral reports

_____ 9. All-student response cards

_____ 10. Specific questions

_____ 11. Small group discussion

_____ 12. Tape their oral reports

_____*13. Projects

_____*14. Written instead of verbal

/OTHER ACCOMMODATIONS: LEARNING/ (Use space to specify additional recommendations.)

STUDENT PERFORMANCE: TEACHER TESTS

I. /ALL L.D./ *

_____ *1. Review before test
_____ *2. Possible questions
_____ *3. Frequent quizzes
_____ *4. Credit for all participation
_____ *5. Untimed tests
_____ *6. Test objectives
_____ *7. Test same as teaching method
_____ *8. Key words
_____ 9. Read test to student
_____ 10. Small group testing
_____ 11. Short tests
_____ 12. Avoid "pop" quizzes
_____ 13. Survey test
_____ 14. Partial credit
_____ 15. Open book tests

II. /WRITTEN EXPRESSION PROBLEMS/

_____ *1. Tests with less writing
_____ *2. Write on test
_____ *3. Accept print or cursive
_____ *4. Grade content vs. mechanics
_____ *5. Allow webs/diagrams
_____ 6. Outline vs. paragraph form
_____ 7. Test format same as teaching format
_____ 8. Manipulatives
_____ c9. Oral exams

III. /VERBAL EXPRESSION PROBLEMS/

_____ *1. Drawings with verbal response
_____ *2. Allow adequate time
_____ 3. Manipulatives with verbal response
_____ 4. Tape answers
_____ 5. Oral answers in different setting
_____ c6. Alternative response mode

STUDENT PERFORMANCE: STANDARDIZED

I. /ALL L.D./ *

_____ *1. Inform of time allotted
_____ *2. Check samples
_____ *3. Index card to block
_____ *4. Monitor for correct way of answering
_____ *5. Read all choices → select
_____ 6. Orient to test format
_____ 7. Assist on test mechanics
_____ 8. Test in small group
_____ 9. Reduce anxiety

/OTHER ACCOMMODATIONS: TESTING/ (Use space to specify additional recommendations.)

DELIVERY OF INSTRUCTION

The Delivery of Instruction chapter is divided into five major sections. The first, General Strategies for All Students with Learning Disabilities, is based on general learning principles found repeatedly in a review of the literature. These strategies are beneficial for all LD students, regardless of their specific learning problems or grade level. However, because the application is necessarily different for elementary and secondary students, an example is given for each setting.

The next four sections include accommodations for students with problems in (1) visual perception, (2) auditory perception, (3) fine motor skills, and (4) organizational skills. Each section has an identical format, with sub-sections for accommodations that relate to: (a) subject areas, (b) reading/literature, (c) spelling/writing, (d) math, and (e) social studies/science. Since a student's weakness may cause marked difficulty in the regular classroom, teaching accommodations are organized so as to prevent or circumvent failures resulting from such weaknesses. Accommodations which circumvent, i.e., by-pass or avoid, the weakness are indicated with a C in the left margin. All other accommodations are intended to help the student by utilizing strengths along with the weakness.

Listed first in each sub-section are those accommodations rated by teachers and experts as "highly reasonable" for the regular classroom; these are marked by an asterisk(*).

/General Strategies for All Students with Learning Disabilities/

Strategy 1 - Use as many of the senses (seeing, hearing, touching, smelling, tasting) as possible to present information to students. The use of a combination of these senses is most often superior to a single sensory approach. Many excellent audiovisual materials are available to support a multisensory approach.

Elementary Example: After reading a story or novel in class, ask students to analyze character traits through discussion, acting, and writing experiences. The characters could maintain their original personality traits, but be set in new, modern day situations.

Secondary Example: Following a unit on advertisements and commercials, ask students to develop a media campaign to promote awareness of some relevant issue such as vandalism in schools, truancy, or the merits of a dress code. After students have researched the facts, encourage them to be creative in developing flyers and posters, radio and television scripts for commercials, or newspaper/magazine articles and advertisements that reflect their point of view. Ask students to present their projects to the class to determine the effectiveness of their persuasion.

Strategy 2 - Learning disabled students benefit from "hands-on" learning experiences. Use manipulative materials whenever possible to introduce new concepts and information. Manipulatives allow student to be more actively involved in a task, increase student motivation, and provide a concrete experience to reinforce learning.

Elementary Example: When teaching the suffix er and est, ask the students to locate common classroom objects (chalk, pencils, books, etc.) and order them by size, length, weight:

small, smaller, smallest
short, shorter, shortest

Secondary Example: The specific vocabulary of botany will have more meaning for students when the teacher can demonstrate flower parts by assembling a plastic model. Students may then examine a flower's structure for themselves using real flowers.

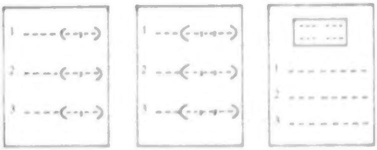
Strategy 3 - **When using the same printed materials for the entire class, modify the format for learning disabled students.**

Elementary Example: Divide math worksheets by folding or cutting into rows or sections so that only a portion of the worksheet is visible at one time.

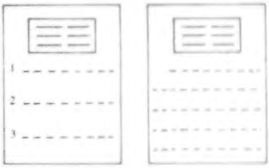
Secondary Example: By using a large index card, students can "block out" one column of print in a textbook while reading the other column.

Strategy 4 - **Use the same format for worksheets until all the students recognize it. Once the format is mastered, you can introduce a new format gradually increasing the complexity of the directions or task. Continue to introduce fresh formats only after the previous ones are readily recognized.**

Elementary Example: Begin with a simple format in which students choose from two answers at the end of each line. Gradually increase the number of choices at the end of each line. Then you may introduce a format that requires the students to choose answers from a box at the top of the page to complete the lines below.



Secondary Example: Begin with a format that asks students to fill in the sentence blanks from a listing at the top of the page. Next, move to choosing the correct word from the listing for sentences written in paragraph form.



Strategy 5 - Present new information to students in small sequential steps. This is important because: a) it avoids confusion by allowing the student to concentrate on one thing at a time, b) it allows the teacher to know what material the student is ready for next, and c) the teacher can pinpoint specific areas of difficulty for students. However, it is equally important to help students understand how tasks relate to each other and to the overall objective. Otherwise, students may view skills as isolated competencies with little value for application in new situations.

> Elementary Example: When introducing the vowel combination ea, do not include words with all the variant sounds at once. In context, teach words that have the e sound (beat, heap), then words that have the e sound (head, weather), then words with the a (great, steak). At each step, students need to participate in listening, speaking, reading, and writing activities that give them opportunities to apply new knowledge.

> Secondary Example: Teach students to write compositions through the completion of several smaller tasks. First students discuss, then list or web, their main ideas and important subpoints. Writing the first draft, students concentrate on getting their ideas on the paper. The second draft is a refinement of content. Students should make the revisions necessary to communicate their ideas clearly. Spelling, punctuation, and other mechanics of language should be addressed during the next draft. After proofreading, a final copy is written. Teacher feedback should be given at each step.

Strategy 6 - Present information in a manner which makes it relevant to the students. Learning will be more effective if it is related to students' knowledge, experience, and interests. Students must realize the importance of learning for real life success.

> Elementary Example: Word problems that use students' names in realistic problem solving situations demonstrate the relevance of learning to students. Example: Lisa is going to Kings Dominion with her Girl Scout Troop. The trip costs $12, and she wants $8 for spending money. Her allowance is $4 a week. How many weeks must she save her allowance to afford the trip?

> Secondary Example: Learning new vocabulary has special meaning to students when they realize the necessity of knowing it to obtain a driver's license, get a job, or make a catalog purchase. Creating an interesting experience in association with new words adds relevance, e.g., using a microscope to classify igneous, metamorphic, and sedimentary rocks.

Strategy 7 - Learning disabled students need many opportunities to recall and review new concepts and skills. Forgetting occurs quickly after the initial stage of learning. Therefore, frequent review and repetition activities must be presented at first. Gradually increase the time intervals between practice activities to improve long term retention. Practice should be provided through a number of different sensory formats.

> Elementary Example: When teaching basic math facts, review should be daily in the beginning. It can be accomplished through the use of oral drill, flashcards, worksheets, games, or computers. Once mastery has taken place, review can be scheduled at decreasing intervals (weekly, monthly, yearly).
>
> Secondary Example: In a unit on the Industrial Revolution, significant inventors and their contributions may be reviewed throughout the entire unit. The format for review should be varied. Teachers may use discussion, filling in the blank exercises on an overhead with the entire class, true/false worksheets, and/or oral drill. Major points of the unit should be reviewed and related to subsequent units. Students may be encouraged to develop oral or written reports on inventors or inventions of special interest.

Strategy 8 - Learning disabled students need structure. Many lack the internal structure needed to organize themselves independently. The teacher must provide external structure for the student.

> Elementary Example: Before beginning an art project, the teacher may display several finished projects of varying quality pointing out the strong points of each. Each step should be demonstrated and listed on the board. After materials are distributed, the teacher can walk around the room while students work to give support and assistance as needed.
>
> Secondary Example: In proceeding with a lesson, the teacher can: review the previous lesson(s), explain what today's lesson is about and how it relates to previous lessons, write key points on the board during the lecture, and allow time at the end of the period to summarize the lesson and ask for questions.

Strategy 9 - Give learning disabled students appropriate clues or hints for remembering new information. These memory aids should not overload the student by requiring them to remember something extra. Gradually these clues should be phased out as the student demonstrates mastery.

MI
ID

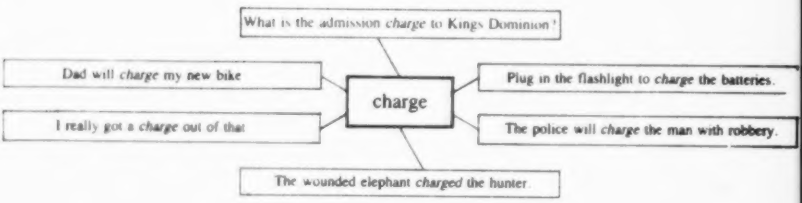
Elementary Example: Primary teachers often have students who confuse b with d. By printing → Bed on their worksheets, students have a ready reference. As the confusion lessens, the reference can be posted in the classroom instead of written on individual worksheets.

Secondary Example: For students that have difficulty distinguishing between synonyms and antonyms, tell them synonyms mean the same and both begin with s.

Strategy 10 - Use webs or similar diagrams on the board to show the relationship among ideas and to organize ideas.

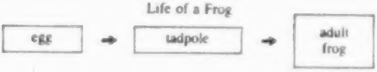
Elementary Example:

ENGLISH WEB


What is the admission *charge* to Kings Dominion?
Dad will *charge* my new bike
I really got a *charge* out of that
charge
Plug in the flashlight to *charge* the batteries.
The police will *charge* the man with robbery.
The wounded elephant *charged* the hunter.

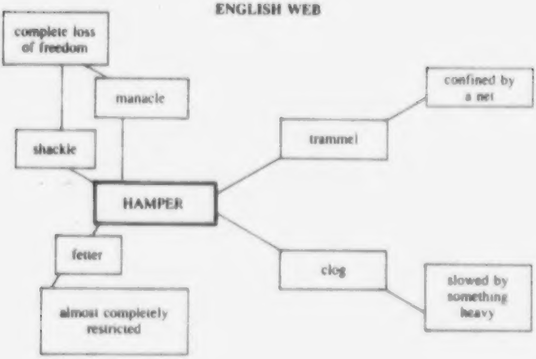
SCIENCE WEB

Life of a Frog



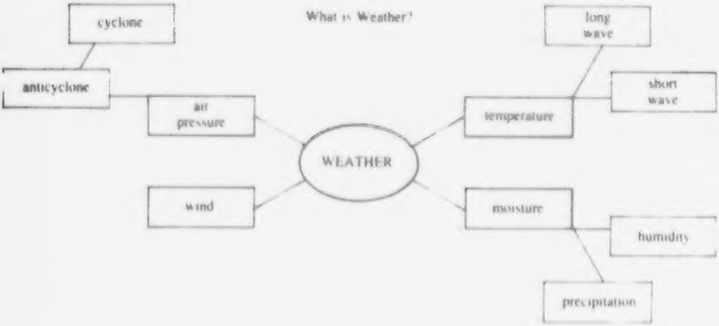
Secondary Example:

ENGLISH WEB



SCIENCE WEB

What is Weather?



/Students with Visual Perception Problems/

Accommodations for All Subject Areas:

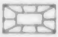
* 1. Give the learning disabled child the clearest copy of the clearest copy of dittoed worksheets. Depending on the particular machine, sometimes the first, middle, or last copy runs better than the others. Avoid worn out masters that produce a light or fuzzy copy. Photocopying is preferable, when available.

* 2. Make sure students are seated close to the teacher, board, or work area. When independent activity centers are used, permit students to work at the center rather than at their desks.

* 3. Make an effort to write clearly and neatly on the board and on worksheets.

* 4. Try to always give verbal information or explanation along with a visual presentation.

* 5. Divide worksheets physically by cutting, folding, drawing lines, or blocking out with a large index card, the portion of the sheet not being focused on at the moment. Particular words, phrases, or sentences can be isolated by cutting a "window" in an index card. Students may gradually assume this responsibility for themselves.



C * 6. Give directions orally.

C * 7. Have a "buddy" read the directions from the board or worksheet to the student.

C * 8. Allow a peer with good notetaking skills to use carbon paper when material has to be copied from the board. The copy can be given to the learning disabled student. Note taker paper may be available for this purpose. Check with your principal and/or the instructional materials catalog.

C * 9. Summarize the key points of your lesson at the end of the period to make sure students have recorded important material.

10. Give the students worksheets that have few distracting pictures or designs and that have few problems or questions to complete. This need not eliminate the use of commercially prepared material. If a worksheet is too "busy", try using one of the "blocking" (cutting, folding, color coding, covering) or "windowing" techniques suggested in Strategy #5.

11. Condense lengthy written directions by writing them in brief steps. Pictures or diagrams may be added to provide clarity. Allow time for students to ask questions about written directions.

12. Taped textbooks, lectures, and assignments can be very valuable. However, the extra time, effort, and support required lowers the reasonableness of this accommodation. It may be an excellent way to use aides, volunteers, and student helpers. English or drama departments in secondary schools may be able to help. Establish a listening center with headsets so that students can read along with a recording. New words can be more readily learned and familiar words reinforced.

13. Write the directions in a different color from the rest of the worksheet when making charts and learning center activities. Use the same color to write the directions on all teacher-made materials. On duplicated worksheets, directions can be made to stand out by using all capitals or italics and underlining, highlighting or boxing the directions.

14. Use visual clues or "flags" to draw attention to important points, questions, directions or steps. For example, ✱ , ▲ , → , ⚑ , ⊙ , or other distinctive symbols.

15. Use a primary typewriter for preparing dittoes, when available.

16. Elect to make a copy of your lecture notes for learning disabled students to follow during the oral presentation.

17. Use activity worksheets to avoid problems associated with copying. The copying of information should be introduced gradually.

18. Promote copying accuracy by first allowing learning disabled students to copy from a paper on their desk instead of the board. When they have demonstrated the ability to copy from a paper on the desk, have them copy from the board by seating them in the front. Later the student can be moved further from the board.

19. Allow students to correct their notes by using another student's accurate notes. It may be beneficial to allow the two students involved to review the notes orally.

20. Teach students how to copy and proofread what they copy.

VISUAL

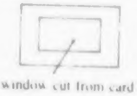
21. Set aside a few textbooks which can be repeatedly used by LD students. Highlight main portions so the student does not have to read the entire chapter.

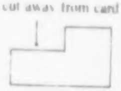
Reading/Literature:

* 1. Use color highlighting on worksheets to cue the student to important words and concepts. Students can learn to do this for themselves as they become better able to identify important words and concepts.

* 2. Introduce new vocabulary in context before a reading assignment. Give students ample opportunity to discuss new words and to use them in original sentences. The sentences may be recorded on the board or chart paper for future reference.

* 3. Allow students to use an index card to keep their place while reading.





* 4. Set a purpose for each reading assignment. Students should understand that you read differently for different purposes (skimming to get a general overview is different from reading for pleasure or to locate specific information).

* 5. Pair students together for reading assignments. They may take turns reading aloud to each other or just one student can read.

* 6. Use discussion activities often, allowing the students to relate to the story with their own personal experiences. This method will help the student to understand story concepts far better than writing answers to questions at the end of the story. The guide questions, from the text or teacher's guide, can serve as the basis for your discussion.

* 7. Discuss in class their written answers to questions. Learning disabled students may need clarification of important points and a chance to see the relationship between individual questions/answers, as well as the general concept being studied.

* 8. Ask class members to take turns reading aloud while the LD students follow along if the readability of the text is too high for students.

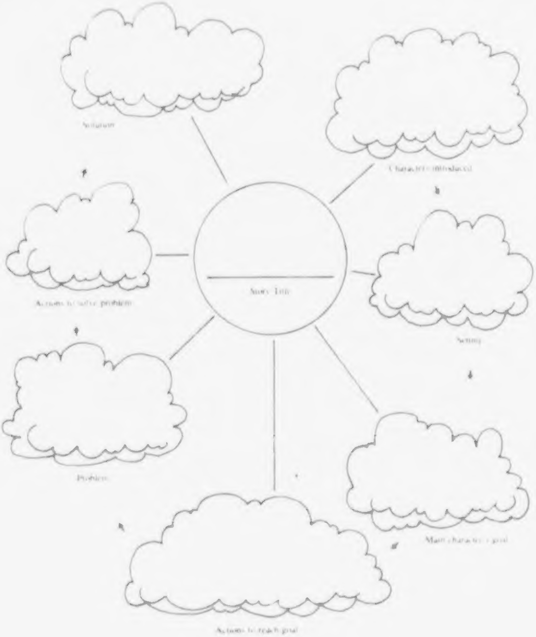
9. Teach sight words by attaching labels to common classroom objects such as wall, table, books, etc. (ELEMENTARY)

10. Divide hard words by syllables on worksheets to help students decode phonetic words on their own. Or you may substitute an easier word for the difficult word.

11. Use pictures or ask students to illustrate new vocabulary. Occasionally allow students to pantomime the words for the other students to identify.

12. Make a class chart of commonly confused words (compete, complete; was, saw). Use them in sentences and give a pictorial representation, if possible.

13. Give the students an outline, chart or blank web to fill in during class presentations. A story structure chart is a good example.



14. Divide the class into two or three groups after introducing the overall assignment. Assign each group a specific portion of the text for reading. After they allow each group to record their answers to specific questions. These answers can be shared in a whole class discussion. Ask students to explain how their specific portion of the text relates to the whole assignment. The answers for each groups' questions can be duplicated for each class member.

VISUAL

15. Color code the vowel patterns of words in context on worksheets and the board. (ELEMENTARY)

16. Stress the importance of using the context to understand the meaning of unfamiliar words.

Spelling/Writing:

* 1. Post commonly misspelled words on an easel or chart paper for student reference. Beside each word, write it in a sentence or give a pictorial clue so students may use this reference immediately. Highlight or underline the word in the sentence so it is easily sighted. You may want to write the words on large index cards so your list can stay alphabetical and be filed easily.

* 2. Ask students to keep individual notebooks of words misspelled on assignments. Again, add sentence or picture clues. Students may periodically quiz eacn other from their lists.

3. Have students write in a journal daily. This need not be a time consuming venture. Perhaps 5-10 minutes can be set aside at the beginning or end of the day or class period. Students may want to share their thoughts from the journal and use them as topics for writing assignments.

4. Allow the student to dictate their stories into a tape recorder. This can be done with or without a brief written outline.

5. Arrange for students to work as partners to develop stories for writing assignments. Request the LD student's partner record, to enable the LD student to be creative without being frustrated by the mechanics of writing. Encourage the partners to read the story aloud to each other to aid the revision process.

6. Help students to make their stories more interesting by discussing and posting synonyms for overworked words such as nice, ran, great, made, weird.

7. Ask students to brainstorm a list of words that relate to the subject of a particular class writing assignment. Post these words on the board or a chart for student reference.

8. Allow students to ask you how to spell words. Teach them to keep a piece of paper at their desk so you may write requested words for them. Perhaps a good speller may be appointed the "human dictionary" or "super speller" on a daily or weekly basis to help students.

9. Coordinate students' weekly spelling list with their phonics/reading lessons. For instance, all of a student's words may contain ou since that is being introduced in reading. (ELEMENTARY)

Math:

* 1. Encourage students to verbalize the steps involved in solving a problem as they work through it on paper.

* 2. Give practice in reading word problems just to identify the key words determining the operation needed to solve the problem. For example, "how many books does Jane have left?" Make a list of these key words for student reference.

* 3. Distinguish clearly each operation on worksheets that have a mixture of operational problems. For example, by drawing a circle around the addition problems, and a square around the multiplication problems; by color coding the mathematical symbols: +s red, -s blue.

* 4. Group problems by the operational process to be used when making mixed problem worksheets. Initially, it may be helpful to prepare students for worksheets with mixed problems by placing different operations on separate pages, e.g., x on one page, ÷ on second page.

* 5. Alert students to the importance of paying close attention to the signs of operation on randomly mixed problem worksheets, e.g., In the written directions, write WATCH THE SIGNS!

* 6. Exchange practice worksheets with another teacher, giving each double materials without double work. If the borrowed worksheets contain some problems inappropriate for ones students, simply mark the appropriate problems by color coding or some other distinguishing method.

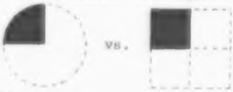
7. Space problems farther apart with fewer per page on newly prepared worksheets. On older worksheets, provide a cover sheet with a cut out so that only one problem is visible at a time.

8. Use manipulatives whenever possible to help students "see" the concept, e.g., chips, straws, checkers or other such counters.

9. Allow students to use computational aids such as number lines, counters, and operational computation charts.

VISUAL

10. Use circles initially to demonstrate parts of the whole when teaching fractions. Parts of a circle do not look like the whole as do parts of a square or rectangle, e.g., (ELEMENTARY)



Social Studies/Science:

* 1. Pause periodically during an oral presentation to ask for questions and give students a chance to add notes to their papers.

* 2. Summarize at the end of the lecture and encourage students to ask questions about what they may have missed in their notes.

* 3. Review the notes from the previous lesson before beginning a new presentation.

* 4. Teach the book format to students. Review the table of contents, index, glossary, etc., to make sure students know how to use the parts of the book.

5. Give LD students a trade book or textbook written on a lower reading level or with large print whenever possible. Be sure to include the students in class discussions. Allow the students to use the book at home if they strongly object to using a different book in school.

6. Assign the LD student to a reliable work group in lab situations.

/Students with Auditory Perception Problems/

AUDITORY

Accommodations for All Subject Areas:

* 1. Seat students in a location where sound is clear; avoid seating near distracting sounds or noises.

* 2. Keep oral directions short and simple. Give one step directions at first. Gradually increase to two step directions, etc.

* 3. Accompany oral directions with written directions. List them sequentially using vocabulary appropriate for the students.

* 4. Ask students to paraphrase your oral directions. Call upon different group members to do this.

* 5. Alert the students when you are giving directions by setting the stage (e.g., "This is important. I'll give you the directions now"). Additional help can be provided through alerting an individual student through eye contact, positioning toward student, or a gentle touch.

* 6. Be conscious of your rate of speech. Talk at a slower rate if students indicate they are having difficulty staying with you.

* 7. Assist students to "stay with you" during instruction by using gestures and changes in the tone and pitch of your voice.

* 8. Allow the students to move to a quiet place in the classroom to do their independent work.

* 9. Write key points on the board for students to copy for studying during a lecture of oral presentation.

* 10. Allow a friend to use carbon paper to take notes for a learning disabled student during a lecture. This allows the special student to concentrate on listening. After the lecture, the student can add to the notes his friend took for him.

* 11. Summarize the key points of your lesson with a visual prop. For instance, after a lesson, use the overhead projector to do a simple worksheet together. This worksheet may utilize a fill in the blank, true/false, or multiple choice format. Individual ditto worksheets may or may not accompany the overhead.

* 12. Try to use visual aids (pictures, photographs, charts, maps, films, filmstrips, overheads) with auditory presentations. Many audiovisual materials are available upon request from the school media center.

13. Circulate about the room, inconspicuously repeating directions to those that need them. Assign a buddy to repeat directions.

14. Take notes yourself or assign a student to take notes on the board, chart paper, overhead, or ditto master during class discussions. This frees the LD students to concentrate on listening. Allow the class to copy the notes at the end of the period, or run copies from the ditto master for students who need them.

15. Teach students how to listen. Emphasize the importance of correct listening posture, eye contact with the speaker, removal of distractors, and the intent to remember.

Reading/Literature:

1. Prepare students for listening by giving them an outline to follow and fill in during class presentations. The outline can be presented on the board, overhead or individual handout.

2. Set up an audiovisual center with headsets to reinforce listening skills through high interest visual materials. For example, cassette-book or filmstrip-cassette kits. Stories with repetitious words or phrases may be used.

3. Break up your oral presentations with visual or motor activities. It is difficult for a student with auditory problems to sit passively listening for an entire period.

4. Emphasize the visual pattern when teaching phonics and give students practice in associating the visual pattern with its corresponding auditory component. This may be accomplished by teaching the syllabication rules so students can recognize syllable patterns in words and use them along with the context to determine pronunciation and meaning. For example, "The hat
fit his head well." "I hate when mom has liver for cvc
dinner." (ELEMENTARY) cvce

5. Teach new vocabulary through word families which have similar visual components, e.g., rent, bent, dent, sent. (ELEMENTARY)

Spelling/Writing:

* 1. Allow students to use pictures when writing stories. Or give the students a story title, ask them to draw a picture first, then write the story.

2. Emphasize words with similar visual patterns in spelling. For instance, one week's words may all have the ā consonant final e pattern (made, take, blame, pale). Point out the pattern by underlining or color coding. Perhaps a spelling series that utilizes this method of introducing new words can be located.

3. Use dictation to reinforce spelling of phonetically regular words as mentioned above. This can be a teacher-directed activity or students can be paired, taking turns dictating to each other. The activity can be used for oral or written drill.

4. Promote the use of personal and class dictionaries to stimulate words and ideas for writing (see page 14, items 1 and 2).

Math:

* 1. When reading word problems aloud to students, give them a visual cue. Chart or graph the problem on the board, rewrite it simply, use manipulatives, or allow them to draw a picture.

* 2. Show an example of how the problems are to be solved at the top of worksheets. Another option is to complete the first problem or two with the students before they complete the page independently.

* 3. Make a basic problem solving sequence chart to post in the room. For example, #1 - read the problem, #2 - identify key words, #3 - identify the operation, #4 - write the number sentence, #5 - solve the problem.

* 4. Have students use manipulative materials first. Then ask them to use the mathematical symbols to record the concrete experience. For example: Give students chips to illustrate a set of four and a set of five. The students count the chips in both sets and make a new set of nine. On their paper, they then write 4 + 5 = 9.

5. Limit the use of strictly oral drills. For example, the use of flash cards with a verbal drill will enhance effectiveness.

Social Studies/Science:

* 1. Provide ample "wait time" for students having difficulty answering questions. Give a partial sentence, gesture, or visual aid as a clue, if necessary.

2. Give students a worksheet to follow along with a filmstrip or film. Stop the film at appropriate points to allow students to fill in the worksheet. This will break up the listening activity into shorter segments. Summarize the film at its conclusion so students do not lose sense of the whole.

3. Use a film or filmstrip to provide an overview when introducing new material. It can be shown again at the end of the unit to summarize.

/Students with Fine Motor Problems/

Accommodations for All Subject Areas:

* 1. Strive to set a good handwriting example. A teacher's own handwriting serves as a model for students' writing.

* 2. Adjust your expectations for fine motor activities to match students' best efforts, e.g., handwriting, cutting, coloring, pasting, assembling.

* 3. Place the paper to be copied directly at the top of the students' paper rather than to one side or the other when copying is necessary.

* 4. Teach students how to erase and make corrections without beginning over each time. This is a minor matter that can make a big difference in the appearance of a student's paper. Students may be able to eliminate unclear, distracting erasures by using erasable pens.

5. Minimize copying activities by providing the information or activities on worksheets or handouts. Introduce copying exercises slowly, gradually lengthening the amount of material to be copied.

6. Encourage students to use the appropriate writing materials. Distance between lines on writing paper can be varied to match student ability level (for instance, move from wide lines to narrow lines). Discourage the use of stubby pencils or pencils that require a great deal of pressure to produce dark marks.

7. Assign follow-up activities that reduce the students' writing requirement. Paired talking activities, cooperative small group assignments, short answer activity sheets, and instructional games all provide students with opportunities to review skills and knowledge without requiring lengthy written answers.

8. Insist that short letters (a,c) take up one full space on lined paper and that tall letters (d,h) and long letters (p,g) take up two full spaces in primary grades. (ELEMENTARY)

C 9. Allow a peer with good notetaking skills to use carbon paper to make an extra set of notes for a LD student.

C 10. Encourage students to acquire typing skills and to type homework assignments.

Reading/Literature:

1. Establish a routine for having students enter new vocabulary into a "word bank" on index cards. Cards can be color coded for different subjects. Give students opportunities to use these cards to complete skills activities, e.g., Ask students to use the cards for classifying activities, matching antonyms or synonyms, or identifying parts of speech.

2. Allow students occasionally to use manipulatives for composing words or sentences. You may use letter puzzle pieces or cubes from commerical materials. (ELEMENTARY)

Spelling/Writing:

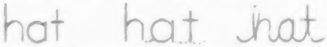
FINE MOTOR

* 1. Help students to understand the importance of good handwriting. Show examples of how right answers may be marked wrong because of poor letter formation. Help students to understand that good handwriting is a communication skill that allows others to understand their written ideas and thoughts.

* 2. Encourage students to talk through the formation of letters. For example, the letter m - "Start at the dot and move down to fill up one space, move back up almost to the dot, make one hump, move back up line and make one more hump." (ELEMENTARY)

3. Allow students to write on every other line of the paper.

4. Demonstrate the transition from manuscript to cursive lettering. (ELEMENTARY)



5. Provide a reference chart of letter formations which be taped to the student's desk or folder.

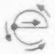
6. Color the baseline on younger students' paper in a shade contrasting to the inklines on the paper. (ELEMENTARY)

7. Introduce new letter formations by providing many opportunities for tracing. Gradually fade the clues for tracing. (ELEMENTARY)

8. Give students a starting point and an ending point on lined paper by marking a dot or line at the appropriate point. Starting points may be colored green (GO) and ending points red (STOP). (ELEMENTARY)

9. Give students practice forming letters using large motor activities. For example: writing in the air moving the whole arm, writing very large letters on the board, writing on a "magic slate". Teachers may have to provide a model for these activities so students are not reinforcing incorrect letter formation. (ELEMENTARY)

10. Use directional arrows on practice worksheets in handwriting. (ELEMENTARY)



Math:

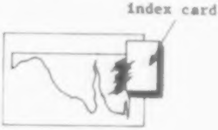
* 1. Turn lined paper vertically to help students organize math problems. This will help keep the ones, tens, and hundreds places lined up correctly.

* 2. Use large graph paper if turning the paper vertically does not correct the problem. One numeral can be written in each square. Gradually make the transition to regular paper.

3. Allow a student to use a calculator for drill practice of the basic math facts. Test the acquisition of skills through the use of flash cards.

Social Studies/Science:

1. Modify instructional materials that involve fine motor skills (e.g., filling in charts, maps, diagrams), by: (a) using sharp, colored pencils instead of crayons or wide magic markers, (b) providing more space for color or labelling, (c) allowing extra time for completion, (d) using blocking technique to facilitate neatness, i.e., set an index card at borders to prevent going out of bounds.



/Students with Organizational Problems/

Accommodations for All Subject Areas:

* 1. Establish a daily routine in your classroom. The daily schedule should be recorded on the board. This consistency is very important for LD students.

* 2. Make sure the student's work area is clear of any unnecessary material which may serve to distract the student. The student should gradually accept this responsibility.

* 3. Ask students to use an assignment book, calendar, or set aside a special page of their notebook for recording homework. Initially, the teacher may record assignments. The students should gradually assume this responsibility.

* 4. Display samples of finished products along with the directions and materials needed for assigned projects. Walk around the room as the students begin working to give guidance where needed.

* 5. Allow time at the beginning of the period to review previous knowledge in relationship to the present lesson. Similarly allow time at the end of the period to summarize the lesson and encourage students to ask questions.

* 6. Give students who will benefit pages from their workbook one at a time instead of the entire workbook.

* 7. Ask the factual questions first in a discussion. Then proceed to inferential questioning, since abstract thinking is usually more difficult.

8. Consistently post homework assignments on a particular portion of the board. Give students time to copy the assignments and ask questions.

9. Maintain a master list of all inclass and homework assignments for student to check periodically. This master list can be posted in the room or kept in a file folder available to students.

10. Prepare students for a change in the daily routine by explaining the unusual circumstance fully so students know what to expect.

11. List the steps to be followed in a particular assignment sequentially on the board or paper for the student's reference.

12. Avoid cluttered, crowded worksheets.

13. Post the due date for long-term assignments and give a time-frame for completing the various parts of the assignment. A calendar may be useful as a visual planning tool.

14. Establish a standard procedure in your classroom to prevent misplacement of completed assignments. Have students place completed assignments in specific content area folders, trays or in a specified section of their notebook.

15. Provide a regular time, daily or weekly, to clean desks and storage areas.

16. Keep directions short and simple. Write them on the board or on a piece of paper so the student can refer to them when needed.

17. Encourage students to distinguish their textbooks by using different color covers or cover stickers.

18. Have students use a 3-ring notebook with dividers for each subject. Encourage the removal of unnecessary papers periodically. Notebooks should be checked periodically to help maintain organization.

19. Assist the student in making choices by gradually increasing opportunities for options. For example, offer a limited choice between two options before expecting students to decide among multiple choices.

20. Use asterisks or circles to distinguish written questions requiring an implied fact from literal questions requiring a stated fact. This will help students to avoid wasting time trying to find an exact answer in the book and cue them to use inferential thinking.

21. Write the text page number as a reference for questions with stated answers at the beginning or end of the question.

22. Provide or help the student develop a self-checklist of materials needed for class.

23. Teach students an organized approach to reading, such as the SQ$_3$R study method; S (survey) refers to quickly reading the subheadings, first sentence of each paragraph, and picture captions to get an overview. Q (question) refers to changing the subtitles and sentences into questions. (R) indicates reading to answer the questions, recalling the material by answering the questions, then reviewing by writing or reciting the major points of the passage.

24. Block, cut, or fold worksheets, as suggested for students with visual problems (see p. 9). Likewise, color cording, highlighting, underlining, and boxing techniques may help students focus their attention on the task.

25. Use a clock face, drawn on an index card to help younger students know when a particular assignment must be completed. (ELEMENTARY)

26. Stress the importance of a daily review of class notes. This is not only a good study method but gives students a chance to fill in missing information or rewrite confusing information. Any questions that arise from the review can be asked the next day. (SECONDARY)

27. Teach abbreviations and shorthand for taking notes during a lecture. For example,

    w/ for with
    w/o for without
    & for and
    e.g. for example
    imp. for important
    fdg. for finding

28. Give students a blank web, chart, or outline to use for notetaking. This will organize the information for studying and follow-up assignments.

Reading/Literature:

1. Provide students with a study guide for novels and units.
2. Teach students to outline.
3. Provide students with a purpose for reading. It is helpful for students to understand we read differently for different purposes (to answer a specific question, to locate information, or for pleasure).

Spelling/Writing:

1. Provide a picture(s), title, topic sentence, or another prewriting activity to help students begin a creative story. Give students the opportunity to talk about their idea and jot down key words before writing.
2. Cut up comic strips to help students organize ideas for writing. Students may be given the strips to sequence in the proper story order. These can serve as a guide for writing.

3. Give students a guide for structuring creative writing stories by providing an organizational format. For example, the student would fill in the following blanks before beginning to write:

   "The story takes place ________________.
   setting
   ______________________ is __________________.
   major character trait
   First _____________________ happens. Next
   event
   ______________________ happens." etc.
   event

4. Give older students a story starter (first part of a story) to read before they are asked to write the story conclusion.

5. Group students together to write a round robin story. Each student is responsible for an assigned portion of the whole story. One student may act as the recorder.

6. Guide students' writing by giving them specification or criteria sheets for the content and mechanics of written assignments. These would be valuable proofreading tools for students.

7. Emphasize the importance of developing a topic sentence, then sentences of supporting detail when writing paragraphs.

8. Provide a structure for writing reports or research papers by giving the class an outline of headings and subheadings to guide their paragraph development.

9. Ask students to initially include the wording of the question in their sentence answers.

   Sample Question: Why did Mrs. Smith lie to the police?
   Sample Answer: Mrs. Smith lied to the police because she thought her brother was guilty.

10. Ask older students to use the beginning margin line printed on notebook filler paper as a guide. If necessary, ask them to draw their own ending margin line on the right hand side of the paper. Younger elementary students may need to draw or have drawn for them, similar margin lines on both sides of the paper.

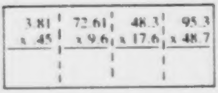
11. Have students prenumber their answer sheets to assure accurate matching of answers to question numbers.

Math:

1. Begin with the easiest problems and add the harder problems in a progressive order on worksheets. For example:

   $\begin{array}{r}41\\-29\\\hline\end{array}$ is easier than $\begin{array}{r}57\\-28\\\hline\end{array}$ since the first step of the problem is easier. 11-9 is easier than 17-8.

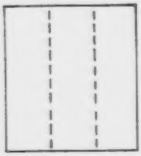
2. Fold or divide math paper into fourths, sixths, eighths, etc. Place one problem per box.



Social Studies/Science:

1. Give students study guide questions or other advance organizers for reading assignments.

2. Teach students how to use the divided page method of note taking. To begin, students divide a sheet of dated notebook paper lengthwise into thirds by folding. On the left hand side of the paper, students write key concepts in a word or short phrase. The center section is used to record important subpoints or supporting detail relating to each key concept. The right hand side is used to write a brief summary of the notes on the page.



   When studying, students refold the paper on the fold line so that their notes are on the outside. The student reads the key point, then tries to recall the important supporting data. To check himself, he turns to the other side of his notes.

3. Help the students to understand that their notes should serve as a study guide. It is important that they write the key points down, not that they write every word said in a lecture.

4. Teach students to use abbreviations for note taking. It may be helpful to post abbreviations for specific subject matter vocabulary.

5. Ask students to preview the text pages pertinent to your next lecture the night before. The preview may be accomplished by the SQ_3R method (see p. 28), or simply by skimming the material. This way the student will be ready for the lecture and more apt to recognize important points when mentioned.

6. Give students plenty of opportunity to recall new information. Learning is promoted when students spend more time actively recalling than rereading.

STUDENT PERFORMANCE

The Student Performance chapter focusses on two major areas: student performance for learning and student performance for testing. In an academic setting, students are asked to respond during learning (teacher's delivery of instruction) and in testing situations. It is helpful to distinguish between the two in order to enhance the student's chance for success.

For our purposes, student performance in learning situations refers to "assisted or independent demonstration of skill or knowledge for acquisition or practice". This performance may or may not be graded. Assisted demonstration implies teacher input in the form of learning strategies, hints, clues and references. Some examples of assisted demonstration are:
(a) doing the first task on a practice worksheet with a student, before he completes it independently, (b) giving a student verbal hints to assist in responding correctly during a group discussion, (c) reminding students of previously learned vocabulary before writing a composition.

A teacher may call for an independent demonstration from a student in order to practice or reinforce initial acquisition of the skill or knowledge. Students completing learning center activities after initial instruction is one example. Another example is pairing students to dictate the spelling words they have been working with so that they can check their progress and study appropriately. Common learning situations include teacher feedback on homework or individual worksheet performance.

In contrast, we define testing as an "independent demonstration of skill or knowledge for evaluative purposes". There is no teacher prompting or assisting in any form. The student performs a task which will receive a grade or score. That grade or score is intended to reflect the amount of learning that has preceded the student's performance on the testing task. For example, testing might involve grading answers to questions about an assigned reading, without introducing vocabulary, giving background information, or holding class discussion. Another example is collecting and grading worksheets independently completed by students without comment or discussion.

Whether in a learning or testing situation, the teacher can provide accommodations for student performance which do not dilute the curriculum or create unfair advantages for LD students. The concept of educational equity connotes equal opportunity to perform to the best of one's ability, as well as to having equal access to instructional experiences.

Accommodations for Student Performance are presented in three sections: (1) in learning situations, (2) in teacher-made testing situations, and (3) in standardized testing situations. Each of these sections has a subsection on strategies or accommodations which are helpful to all LD students. In addition, the sections on Learning Situations and Teacher-Made Testing Situations, contain separate sub-sections on specific accommodations for students with: (a) written/motor expression problems, and (b) verbal expression problems.

STUDENT PERFORMANCE: LEARNING

/General Strategies for All Students with Learning Disabilities/

Strategy 1 - Learning disabled students need varying amounts of support. A classroom teacher cannot always be available to a student when he needs attention. Consider the use of a "buddy" system, peer tutors, adult volunteers or aides, or cooperative learning activities to supply additional support. Though the teacher remains ultimately responsible for the instructional program, the utilization of these strategies will not only enhance the LD student's performance, but also that of many non-handicapped peers. It should be remembered, however, that these strategies will also enable the LD student to contribute as well as receive assistance and support. Most learning disabled students have marked strengths in areas which can be of benefit to others.

Strategy 1(a) - "Buddy" System - Perhaps a teacher can assign a willing friend to the LD student. When a question arises about a particular task, the "buddy" lends the needed assistance. In addition to answering questions, the buddy can serve as a model and source of encouragement. Change "buddy" assignments periodically to stimulate interest and relationships.

> Elementary Example: Buddies can be a blessing to the teacher who rotates to several small groups to deliver instruction. After group instruction, a buddy can lend the support an LD student may need to complete follow-up assignments. This avoids interruptions to the teacher and her instructional group.
>
> Secondary Example: After a class lecture, a buddy may lend his notes to the LD student, who can then double check his notes for accuracy and include missed information.

Strategy 1(b) - Peer tutors - Students can profit from the experience of teaching other students. If properly selected and trained, tutors can provide the extra support needed for skill mastery, and enhance self-esteem. Tutors are most effective reviewing and reinforcing teacher taught skills and concepts through practice activities. A successful peer tutoring program requires careful planning and a time commitment on the tutor's and teacher's part. Each must be willing and able to give and receive feedback. In short, it will require an extra effort, but the long term results can be most rewarding for teacher, tutor, and learner.

> Elementary Example: When practicing basic math facts with flash cards, an LD student can be paired with a more able student who provides feedback on correct answers, clarifies questions or misunderstandings, and determines satisfactory mastery.

Secondary Example: While students are completing written assignments following the introduction of a new concept, the LD student could be paired with a peer tutor to do the assignment. The tutor can give additional explanations and clarify points of confusion.

Strategy 1(c) - Adult volunteers and aides - Both can be used on a one to one basis, in a manner similar to the use of buddies and peer tutors. However, while peers should be involved only in ways that enhance their own learning at the same time that help is offered, volunteers and aides can be used for the sole purpose of assisting the student. In addition, volunteers and aides can be invaluable supervising small groups in enrichment or application activities that might otherwise be forfeited.

Elementary Example: At the completion of a functional reading unit on following directions, an adult could supervise a small group preparing brownies from a recipe or constructing a paper kite from written instructions.

Secondary Example: An adult may assist students in locating specific information from reference books in the media center for a research paper. The adult can read to the student any information which is too difficult and clarify the terminology of the texts.

Strategy 1(d) - Cooperative learning activities - Assign cooperative small group projects instead of individual or competitive ones. This permits each student to work on a specific task that helps the group complete a product. Recognition is given to the group's accomplishment, with value placed on each member's contribution, no matter how big or small.

Elementary Example: When studying early explorers, students could be grouped by countries (one group does Spanish explorers, one Portuguese explorers, etc.). Each member of the group could then research a specific explorer. The group and teacher would decide on the important information to be collected by each individual. The group would decide on the method of presentation and each member's specific responsibility for the final product. Members would be expected to help each other, as necessary, and teacher feedback or grading would be cased on the total group performance.

Secondary Example: In an Introductory Sociology course, students can be introduced to basic statistics by having small groups develop, carry out, and evaluate the results of an original survey. After determining the procedure to follow as a group, members can collect data individually. Then they would meet again to determine the mean, and to develop a written and pictorial account of their procedures.

Strategy 2 - Allow students to explain their answers before considering it faulty. The answer may not be the one desired, but it may be correct nevertheless. When necessary, ask probing questions to help students clarify and extend their answers.

Elementary Example: The following example appeared on a worksheet which directed students to cross out the word that did not belong with the other two: APPLE BANANA LEMON. The teacher expected apple to be crossed out, since it was the only red fruit. One student eliminated lemon, which was marked wrong. On further examination, this answer appeared to be correct. The student reasoned that a lemon is a citrus fruit whereas the others were not.

Secondary Example: Words with similar configurations cause confusion for many LD students. For instance: A question may read "What was the man's alibi?" A student answers: "The man's real name is James Williamson, but he uses William James." Here the student confused the word alibi with the word alias, which are visually similar. If asked the question, the student may respond correctly.

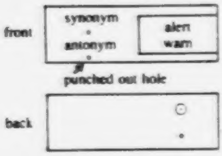
Strategy 3 - Help the students to understand that we all make mistakes. The important point is we can learn from mistakes. To a learning disabled student who views himself as a failure, this is a crucial belief.

Elementary Example: Help students to use proofreading skills. Select anonymous or past examples of student writing. Write them on the board, chart paper, or an overhead. Let the student find the mistakes and correct them. Make a list of common mistakes for student reference and stress the value of learning from errors.

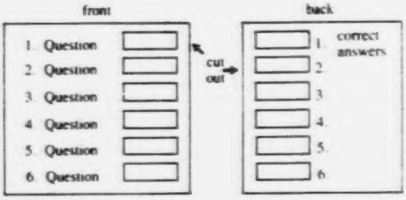
Secondary Example: Quizzes and tests are learning tools when handed back to students and discussed following evaluation or grading. LD students need the opportunity to see and understand their errors. On occasion, it is advisable to give a practice test, making answers right or wrong, but without assigning an overall grade or score. The ensuing discussion of correct answers can dramatically improve learning and preparedness for the real test.

Strategy 4 - The next time you begin to make materials for your class, consider including some self-checking activities. This type of material has the advantage of providing students with immediate feedback, which is highly motivating. Since many self-check activities are manipulative, they give students "a break" from standard pencil and paper exercises.

Elementary Examples: (1) These directions should be on top of the activity container: "For each strip of paper, read the two words in the box. Are they synonyms or antonyms? Put your pencil tip through the hole below your answer. Turn the card around. The correct answer has a circle around it."



(2) Cut out spaces at the end of each question for the answer. Put a piece of paper under the question sheet. Students record their answers in the cut out blanks. To check, turn the page around, fitting the blank over the student's written responses. Check student response to correct response printed on the back.



Secondary Example: Self-check activities fit well into the instructional program for science teachers who use lab stations. After following the steps of an experiment, students could compare their final product with a picture, model, or diagram of the desired outcome.

Strategy 5 - Consider the use of instructional games to vary the format of practice activities in specific skill areas. Games are motivating, fun, and promote peer relationships. They should be used after initial instruction, not in place of it. Make sure students understand the objective of the game and can play independently. Increase the durability of the games by laminating or covering with clear contact paper. Students may enjoy constructing these games as a novel way of reviewing and reinforcing learning.

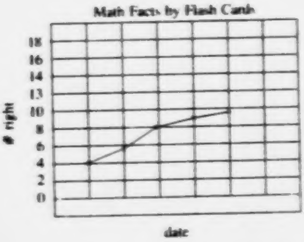
Elementary Example: Instructional games may be constructed to play by the same rules as common childhood games. They can be adapted for reading, language arts, math, and social/science skills. Use index cards to make card games with the same rules of play as: Go Fish, Rummy, Concentration, or Old Maid. Bingo is another easily adapted game format. Simple board games, in which students roll dice to move along from start to finish after answering questions, are also popular. If you are not artistic, use colorful magazine pictures to decorate your game boards.

Secondary Example: Older students can also benefit from instructional games without feeling "babied". Crossword puzzles, word searches, and brain teasers are commonly used by secondary teachers. Many commercial games are available such as "Promotion" (for American History), Life Career (for Career Education), Propoganda (for English), or High School Geography Project (for Social Studies).

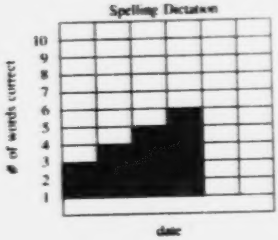
Strategy 6 - Have students keep individual charts or graphs to plot their progress in a particular skill area. This is an excellent way for students to see how much they are learning and provides incentive in working toward a goal. It may be necessary for the teacher to monitor this activity until students become proficient in completing their charts.

Elementary Examples:

Math Facts by Flash Cards



Spelling Dictation



Chapter Comprehension Questions

chapter	# right	questions to review
1	8	#3 #7
2	9	#4
3	8	#5 #8
4	10	✓

Secondary Example: Ask students to set aside one page in their notebooks to record their grades for homework assignments, class participation, quizzes and/or tests, and projects and papers. This procedure can often be easily accomplished by periodically allowing the student to copy grades recorded in the teacher's gradebook, taking care to expose only the student's own grades. Students will see exactly where they must concentrate their efforts.

History Grades
Homework
C C C D D
Discussion
C C B C
Quizzes
B C C B
Tests
C B B
Research Paper
C

Strategy 7 - Just as the teacher is encouraged to stimulate as many senses as possible to deliver instruction, students must have the opportunity to demonstrate acquired skills and knowledge in a variety of ways. Students can respond to tasks through written, verbal, and large motor (behavioral) activities.

Elementary Examples: Book reports can be presented in a wide variety of ways. Aside from standard written or oral reports, students can perform a character monologue, create a mobile, design an original book cover, do a plot analysis using a webbing technique, or make a "critics" tape recording.

Secondary Examples: Secondary students can be given opportunities for multisensory expression through role playing and simulation techniques. Applications might include such diverse activities as developing job interviewing skills, mock debates between famous historical figures, staging original stories, or enacting problem solving situations.

/Accommodations for Students with Written Expression Problems/

* 1. Allow the student more time to complete written assignments.

* 2. Allow the student to give all short answers to questions (single word or phrase). Gradually require answers in sentence form.

* 3. Allow the students to complete assignment that call for written sentences by doing half in sentences, half in short phrases. Gradually the student can move toward writing sentences for each question.

* 4. Stress accuracy, not speed. Emphasize importance of content and legibility.

* 5. Give students some class time to work on written reports. This will enable the teacher to lend needed assistance.

* 6. Be specific in your comments about written work. For example, instead of writing "poor grammar", write "Use doesn't instead of don't." Whenever possible give individual feedback, as well as in writing.

* 7. Avoid the use of comments which reflect value judgements on your part. Examples: Instead of "messy", write "erase mistakes fully before rewriting".

* 8. Allow students to check and correct their own worksheets against a model (individually or in a group). This gives the student accurate and complete written information needed for improvement.

* 9. Permit students to use pictures, drawings, and diagrams as part of their written products.

* 10. Post a proofreading checklist in class for students.

* 11. Ask students to skip every other line on a rough draft. This will give them room to make changes without "cramming up" the paper.

12. Allow the student to do taped or "live" oral reports instead of written reports. An outline or short written summary may still be required.

13. Allow the student to answer fewer questions or problems on worksheets requiring written statements. For example, every other problem or asterisked questions.

14. Consider making worksheets which reduce writing requirements. For example, multiple choice, short answer, matching, fill in the blank.

15. Allow a student to check math problems on a calculator after working a set number of problems, rather than having all problems completed before checking. This reduces writing fatigue while providing more immediate feedback.

16. Permit students to work independently in an area free of distractions (away from windows, doors, or traffic areas). Intense concentration is often necessary for the LD student to write his best.

17. Try assigning a different type of task or a modification of the original task as an alternative to asking the student to do a poorly completed assignment over again. For example, instead of insisting that sentences be written within the lines, provide wide lined paper or a typewriter.

18. Encourage students to revise, edit, and proofread drafts before making a final copy of a report. Feedback given by you will help the student to write a better final copy. It also provides the student a chance to do his own proofing.

19. Use journals and diaries as an informal means for encouraging interest and fluency in writing.

C 20. Try using all-student response cards in small group settings. All students would have the same set of index cards, each card with a specific answer. In response to a question posed by the teacher, each student finds the card with the answer he believes is correct, and holds up the card to the teacher. The teacher gives the correct answer and explanation to the group if anyone has responded incorrectly. This type of activity could be used for math drills (cards would have numbers on them) or a homonym lesson (cards would have words on them pare, pair, pear). Another use of response cards is for multiple choice questions; different color cards can represent answer choices, e.g., blue = A, orange = B.

C 21. Allow a student to tape answers or work with a peer, tutor, or volunteer who does the writing.

/Accommodations for Students with Verbal Expression Problems/

* 1. Give students a little extra time to respond. Many students have to struggle inwardly before being able to complete their thoughts verbally.

* 2. If students are having difficulty, give them a hint to help them along.

* 3. Urge students to use an outline or notes when presenting an oral report.

* 4. Encourage students to use visual aids or handouts in conjunction with an oral report.

* 5. Give students the opportunity to read silently before asking them to read orally.

* 6. Structure opportunities for student verbal expression on a one to one basis and in small groups. Avoid calling on students to answer aloud in a group as punishment for inattentiveness during discussions.

* 7. Limit the length of oral presentations by students. Gradually the length can be increased as students feel more comfortable in front of their peers.

8. Actively involve your students in the listening process during other student's presentation. This can be accomplished by deciding, as a group, on the important points of oral presentations. A rating sheet can be made. Students can then rate each other. This method also serves to guide students as they do their own presentations and may avoid misunderstandings about grades.

9. Permit students to sometimes use all-student response cards in small groups instead of giving verbal responses. (See #20 in written response section.)

10. Ask specific, structured questions. This will permit the students to utilize the elements of the question to organize their answers. E.g., "Can you tell me one way that comets and meteors are alike?" instead of "Compare comets and meteors."

11. Arrange small discussion group and paired talking activities that permit students to practice verbal skills in a smaller, more comfortable setting.

12. Permit students to tape their oral presentations instead of doing them "live" in class.

C 13. Allow students to do a project in lieu of an oral report occasionally. E.g., A demonstration or display that demonstrates their understanding of a new skill or knowledge.

C 14. Encourage use of notes, letters, messages, and journals as an alternative to verbal expression.

STUDENT PERFORMANCE: TEACHER-MADE TESTS

/Accommodations for All Students with Learning Disabilities/

* 1. Conduct a review session before the test. Highlight key points and encourage students to ask questions.

* 2. Give students possible test questions ahead of time to use as study guides.

* 3. Give frequent (weekly), announced quizzes that cover specified topics as an alternative or supplement to one long, unit examination.

* 4. Give students credit for class participation, daily assignments, homework and project completion instead of relying solely on test results for grades. Reassure students that grades are based on multiple sources of evaluation.

* 5. Give untimed tests or allow some students more time to complete, if necessary. Students should be encouraged to take their time to do their best.

* 6. Match tests to your instructional objectives. For example, avoid asking them to draw a conclusion on a test if you have not done so in class.

* 7. Make certain you are asking a student to respond in a testing situation in the same manner as the preceding teaching situation. If you have asked the student to learn to spell words through traditional textbook activities, do not test them by asking them to select the correct word spelling from four sample words. This does not mean to eliminate the use of higher level thinking skills, but means those skills should be taught before students are asked to use them.

* 8. Teach students to locate the key words in test items. This will help the students who tend to read too quickly from skipping, omitting, or misreading important words or phrases. Locating the key word may stimulate recall of information.

9. Provide alternative methods of conveying test information to poor readers. Since the objective of testing is to learn how much understanding a student has acquired, avoid penalizing poor readers by: (a) allowing an aide or volunteer to read the test to the student, (b) taping the test, (c) arranging for the student to have his reading/resource/speech teacher give the test outside the regular classroom.

10. Reduce "test anxiety" by allowing students to take tests on a one to one basis or in small groups whenever possible.

TCHR TESTS

11. Test in short time segments spread over two to three periods rather than one long session.
12. Avoid giving unannounced tests as punishment for poor class performance, e.g., for not completing reading or homework assignments or for being unprepared for class discussion.
13. Help students organize their time by encouraging them to survey the entire test before beginning.
14. Give partial credit where warranted instead of counting an item entirely incorrect.
15. Consider occasional use of "take home" and "open book" tests as an alternative for class exams.

/Accommodations for Students with Written Expression Problems/

Accommodations #1-8 below are suggested for test formats requiring written expression:

* 1. Use test formats which reduce writing requirements. For example, short answers, multiple choice, matching, filling in the blank.

* 2. Allow students to write directly on the test instead of a separate answer sheet to reduce eye-hand coordination demands.

* 3. Permit students to use manuscript or cursive, whichever is more comfortable for them, in testing situations.

* 4. Be sure to separate content of response from language mechanics, and grade according to skills or knowledge required for the specific subject. For example, on a science test, do not totally reject misspelled answers, but do require students to correct the misspellings.

* 5. Allow students to draw webs, diagrams, charts in answering questions or writing essays.

6. Permit students to complete essay questions in outline form rather than requiring full paragraphs, where knowledge of content is the priority.

7. Make test formats familiar to students by adapting them as you would worksheets. For example, if you cut math worksheets by rows for students in class, do the same thing for tests. Or, if worksheets for written work have clearly blocked spaces for answers, test blanks should have similar structure.

8. Let students demonstrate his knowledge by using manipulatives instead of giving a written test. The manipulatives used may be the same ones used during teaching and practice sessions.

C 9. Allow students to take oral exams instead of written ones. Depending upon the particular test, the student may take just the essay portion of the test orally (e.g., tape recording or interviewing), while completing the rest of the test by hand.

STUDENT PERFORMANCE: TEACHER-MADE TESTS

/Accommodations for Students with Verbal Expression Problems/

Accommodations #1-5 below are suggested for test formats requiring verbal expression:

* 1. Let students make drawings or diagrams to further explain their responses.

* 2. Permit students an adequate amount of verbal response time.

3. Permit students to use manipulatives or handouts along with their verbal explanations to test questions.

4. Allow students to tape their answers instead of giving them aloud to an adult.

5. Arrange to have students give his answers to his reading teacher, resource teacher, or an aide outside the classroom setting.

C 6. Provide alternative modes of responding, such as written or demonstration tests.

TCHR
TESTS

STUDENT PERFORMANCE: STANDARDIZED TESTS

/Accommodations for All Students with Learning Disabilities/

* 1. Let the students know how much time they are allotted for answering on timed tests. Tell students to avoid spending too much time on one item.

* 2. Check the LD students' answers to sample questions to insure understanding.

* 3. Allow the student to use "blocking" with a blank index card to reduce distractions on test booklet or answer sheet.

* 4. Monitor carefully during the testing to make sure the student is answering in the correct way. This is especially important for students who lose their place on an answer sheet, which is separate from the test itself.

* 5. On multiple choice tests, encourage students to read each choice carefully, eliminate the wrong choices, and then select their answer.

6. Orient students to the test format. It is unethical to give students specific test items ahead of time, but it is not unethical to familiarize students with the test format or types of questions. Many standardized test formats are very different from the worksheet formats used in class for learning and practice. Students must understand how to take the test if they are to do their best. Perhaps teachers at the same grade level may want to "pool their resources" and share these activities with each other.

7. Explain to students that as the examiner you may not help them select answers, but that you can answer questions about how to take the test.

8. Arrange to have "test anxious" students complete the test on a one to one basis or in a small group.

9. Confer privately with "test anxious" students ahead of time to foster confidence.

STANDARD

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APPENDICES

Appendix A.	School In-Service Coordinator for Mainstreaming: Responsibilities/Qualifications
Appendix B.	Special/Alternative Education In-Service Training Support System, Montgomery County Public Schools
Appendix C.	Checklist of Reasonable Classroom Accommodations

APPENDIX A

/SCHOOL IN-SERVICE COORDINATOR FOR MAINSTREAMING:/ /RESPONSIBILITIES/QUALIFICATIONS/

A. RESPONSIBILITIES

1. Chairs School In-Service for Mainstreaming Committee
2. Maintains liaison with school Principal
3. Participates in "In-Service Coordinators Meetings" with consulting teacher/specialist - at least one meeting per semester
4. Responsible for planning and facilitating school-based in-service for mainstreaming programs, including participation in the following activities:
    - Assessing staff in-service needs and interests
    - Arranging for appropriate in-service trainers and consultants
    - Preparing and disseminating information about school in-service programs and opportunities
    - Disseminating information and materials regarding mainstreaming strategies and accommodations
    - Assisting in the design, instruction, and evaluation of planned in-service programs
5. Responsible for developing an Annual School In-Service Plan for Mainstreaming and completing a School In-Service Progress Report

   (Note: Responsibilities under 5 are compensated as in-service training services.)

B. QUALIFICATIONS

Required:

1. Highly recommended by Principal
2. Respected by school faculty
3. Is a tenured staff member with at least a one year future commitment to the school
4. Has demonstrated leadership and/or in-service training abilities

Desirable:

1. At least one year of past service to the school
2. Has experienced some success in mainstreaming handicapped children
3. Has completed some special or supplementary education training or coursework (e.g., Teaching Children with Special Needs (SE-35); Behavior Management (SE-29); Assessment and Programming (SE-26)
4. Willing to participate in appropriate training activities for personal development, such as Issues in Mainstreaming Seminar (SE-34) and Individualized Study in Mainstreaming (SE-38)

/School In-Service for Mainstreaming Committee/

Purpose: To plan, arrange resources, and facilitate delivery and evaluation of in-service activities based on assessed needs of school staff related to mainstreaming

Membership: At least 3 persons, with representation from both regular and special education staff

Chairperson: School In-Service Coordinator for Mainstreaming

Committee Responsibilities:

1. Assess faculty needs
2. Set annual goals and objectives related to assessed needs for in-service for mainstreaming
3. Plan strategies for the delivery of priority in-service for mainstreaming programs and materials
4. Plan the content and sequence of priority in-service programs
5. Support the implementation of planned in-service programs through such activities as:
    - Announcing/advertising planned programs
    - Encouraging staff participation
    - Arranging resources (human and material)
    - Assisting in in-service instruction
    - Evaluating success of in-service activities
6. Provide consultation to teachers of mainstreamed students
7. Evaluate committee effectiveness

APPENDIX B

SPECIAL/ALTERNATIVE EDUCATION IN-SERVICE TRAINING SUPPORT SYSTEM

Federal and state laws, along with mainstreaming guidelines developed by professional associations, require the local school system to conduct in-service training for educating students with special needs. In response to this need, the In-Service Training Unit of the Office of Special and Alternative Education has developed a comprehensive training support system. Under the direction of the Supervisor of In-Service Training, an in-service education resources center and area in-service labs for mainstreaming have been established to carry out the following key functions:

(1) training and ongoing support to local School In-Service Coordinators for Mainstreaming (SICMs).

(2) planning and implementation of in-service training seminars, workshops and courses for regular and special/alternative education staff.

(3) identification, acquisition, cataloging, dissemination, and retrieval of priority in-service training materials for teaching students with special needs.

(4) preparation, distribution and filing of in-service course and workshop materials.

Specific information regarding these special/alternative education training supports is provided below:

/Special/Alternative Education In-service Training Unit/

Location: Lynnbrook Center Phone: 654-5991 or 654-5992

Manages the Special/Alternative Education In-Service Training Support System; provides summer workshops for special and regular education staff; facilitates MCPS training priorities related to educating exceptional children; maintains liaison with state and federal agencies responsible for personnel preparation in special education; conducts innovative federal and state-funded training projects.

Supervisor of In-Service Training: Stanley Fagen
SICM Project Specialists: Donna Graves (Calvert County)
Carol Fox (Washington County)
CSPD Project Specialist: Myrna Roberge
Secretary: Lisa Ritzenberg

/Special/Alternative Education In-service Education Center/

Location: Lynnbrook Center Phone: 654-5991 or 654-5992

Conducts Supplementary Education (SE) in-service courses; coordinates secondary special centers training program; maintains special/alternative education course materials; maintains card catalog and inventory of special education in-service training materials; maintains collection of print materials for special and regular education in-service training; serves as coordinating center for area labs for mainstreaming.

Teacher/Specialist for In-service Center: Diana Thompson
Teacher/Specialist for In-service Courses: Rose Ray
Secondary Centers Training Program Specialist: Jan Wintrol
Office Assistant: Penny Harting
Materials Aide: Evalena Palmer

/Area 1 In-service Lab for Mainstreaming/

Location: Westover Elementary Phone: 384-7391

Coordinates special/alternative education in-service training activities for Area 1; supports in-service efforts of Supervisor of Special Services; maintains collection of priority in-service training materials (print and non-print).

Consulting Teacher/Specialist for Mainstreaming: Sharon Healy
Teacher Assistant: Barbara Fabian

/Area 2 In-service Lab for Mainstreaming/

Location: Ashburton Elementary Phone: 530-4424

Coordinates special/alternative education in-service training activities for Area 2; supports in-service efforts of Supervisor of Special Services; maintains collection of priority in-service training materials (print and non-print).

Consulting Teacher/Specialist for Mainstreaming: Jeff Hill
Teacher Assistant: Bertha Moore

/Area 3 In-service Lab for Mainstreaming/

Location: Lakewood Elementary Phone: 424-4826

Coordinates special/alternative education in-service training activities for Area 3; supports in-service efforts of Supervisor of Special Services; maintains collection of priority in-service training materials (print and non-print).

Consulting Teacher/Specialist for Mainstreaming: Diane Tessier-Switlick
Teacher Assistant: Lorraine Lauret

CHECKLIST OF REASONABLE CLASSROOM ACCOMMODATIONS

Name of Student ______________________ Date ____________

DELIVERY OF INSTRUCTION

I. ALL L.D. ★

_____ 1. Multisensory
_____ 2. "Hands-On"
_____ 3. Modify format
_____ 4. Simple → complex formats
_____ 5. Small, sequential steps
_____ 6. Relevant material
_____ 7. Frequent review/repetition
_____ 8. Hi structure
_____ 9. Use of clues/hints
_____ 10. Use of webs/diagrams

II. VISUAL PERCEPTION PROBLEMS

A. All Subjects

_____ *1. Clear copy
_____ *2. Close seating
_____ *3. Write clearly
_____ *4. Verbal w/visual
_____ *5. Visual focussing aids
_____c*6. Oral directions
_____c*7. Buddy reader
_____c*8. Peer notetaker
_____c*9. Sum key points
_____ 10. Reduced visual distractions
_____ 11. Concise, clear written directions
_____ 12. Taped material
_____ 13. Color coding
_____ 14. Visual/clues/flags
_____ 15. Primary type
_____ 16. Copy of lecture notes
_____ 17. Activity worksheets
_____ 18. Near to far copying
_____ 19. Correct notes w/model
_____ 20. Teach to copy/proofread
_____ 21. Highlighted texts

B. Reading/Literature

_____ *1. Color highlighting
_____ *2. Intro new vocabulary
_____ *3. Use of index card
_____ *4. Purpose for reading
_____ *5. Reading pairs
_____ *6. Comprehension discussions
_____ *7. Discuss written responses
_____ *8. Peer reading aloud
_____ *9. Label objects
_____ 10. Divide multisyllables
_____ 11. Illustrate vocabulary
_____ 12. Chart of missed words
_____ 13. Outlining/webbing aids
_____ 14. Reading/discussion groups
_____ 15. Color code vowel patterns
_____ 16. Use of context

C. Spelling/Writing

_____ *1. Post misspelled words
_____ *2. Misspelled word notebooks
_____ 3. Use of journal
_____ 4. Story dictation
_____ 5. Learning partners
_____ 6. Discuss/post synonyms
_____ 7. Brainstorm words
_____ 8. Spelling requests
_____ 9. Spelling/reading coordination

D. Math

_____ *1. Verbalize steps
_____ *2. Key words
_____ *3. Distinguish operations
_____ *4. Group operations
_____ *5. Alert to operations
_____ *6. Exchange worksheets
_____ 7. Spacing/cut outs for worksheets
_____ 8. Manipulatives
_____ 9. Computation aids
_____ 10. Fraction circles

E. Social Studies/Science

_____ *1. Periodic pauses
_____ *2. Summarize/questions
_____ *3. Review
_____ *4. Teach book format
_____ 5. Adapt text
_____ 6. Reliable group

Note: Accommodations marked by an asterisk (*) were rated "highly reasonable" by classroom teachers.

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III. /AUDITORY PERCEPTION PROBLEMS/

A. All Subjects

_____ *1. No distraction seating
_____ *2. Short oral directions
_____ *3. Oral with written directions
_____ *4. Student repeats directions
_____ *5. Alert to directions
_____ *6. Talk slower
_____ *7. Vary voice tone & pitch
_____ *8. Quiet work area
_____ *9. Key points on board
_____ *10. Notetaker
_____ *11. Summarize with visuals
_____ *12. Visual with auditory
_____ 13. Circulate and assist
_____ 14. Give copy of notes
_____ 15. Teach students to listen

B. Reading/Literature

_____ 1. Outline of lecture
_____ 2. Listening center
_____ 3. Visual & motor with oral presentation
_____ 4. Stress visual phonic pattern
_____ 5. Word families

C. Spelling/Writing

_____ *1. Pictures → written
_____ 2. Group words with same visual patterns
_____ 3. Dictation
_____ 4. Make dictionaries

D. Math

_____ *1. Visual cue
_____ *2. Example on worksheet
_____ *3. Problem solving sequence chart
_____ *4. Manipulatives → symbols
_____ 5. Flash cards

E. Social Studies/Science

_____ *1. Wait time
_____ 2. Worksheet guide with film
_____ 3. Audiovisual to introduce & summarize

IV. /FINE MOTOR PROBLEMS/

A. All Subjects

_____ *1. Model good handwriting
_____ *2. Adjust expectations
_____ *3. Paper placement
_____ *4. Teach erasing
_____ 5. Few copying activities
_____ 6. Appropriate writing materials
_____ 7. Reduce writing requirement
_____ 8. Spacing of letters
_____ c9. Notetaker
_____ c10. Student types

B. Reading/Literature

_____ 1. Word bank
_____ 2. Manipulatives

C. Spelling/Writing

_____ *1. Purpose of good handwriting
_____ *2. Talk through letter formation
_____ 3. Every other line
_____ 4. Transition from print to cursive
_____ 5. Chart of letter formation
_____ 6. Color baseline
_____ 7. Tracing
_____ 8. Start & end point
_____ 9. Large motor writing activities
_____ 10. Directional cues

D. Math

_____ *1. Lined paper vertically
_____ *2. Graph paper
_____ 3. Calculator

E. Social Studies/Science

_____ 1. Modify map/chart work

V. /ORGANIZATIONAL PROBLEMS/

A. All Subjects

____ *1. Daily routine

____ *2. Work area clear

____ *3. Homework recording

____ *4. Samples of finished product

____ *5. Review and summarize

____ *6. Workbook pages one at a time

____ *7. Factual → abstract questions

____ 8. Homework assignments posted in same place

____ 9. List of all assignments given

____ 10. Explain change in routine

____ 11. List steps for assignment

____ 12. Uncluttered worksheets

____ 13. Timeframe for long term assignments

____ 14. Procedure for finished work

____ 15. Time to organize

____ 16. Short & simple directions

____ 17. Colors for each book cover

____ 18. Notebook with dividers

____ 19. Choice of two options → many

____ 20. Cue to inferential thinking

____ 21. Page answers on

____ 22. List of materials needed

____ 23. SQ3R

____ 24. Block worksheets

____ 25. Clock face for due time

____ 26. Review notes daily

____ 27. Teach abbreviations

____ 28. Notetaking using web or outline

B. Reading/Literature

____ 1. Study guide

____ 2. Teach outlining

____ 3. Purpose of reading

C. Spelling/Writing

____ 1. Prewriting activity

____ 2. Sequence with comics

____ 3. Guide for structuring writing

____ 4. Story starter

____ 5. Group writes story

____ 6. Criteria for content & mechanics

____ 7. Topic sentence & details

____ 8. Structure for reports

____ 9. Include question in answer

____ 10. Use margins

____ 11. Number answer sheets

D. Math

____ 1. Easy → hard problems

____ 2. Fold math paper

E. Social Studies/Science

____ 1. Study guide questions

____ 2. Divided page notetaking

____ 3. Note key points

____ 4. Use abbreviations

____ 5. Preview text for lecture

____ 6. Recall new information

VI. /OTHER ACCOMMODATIONS/ (Use space to specify additional recommendations.)

STUDENT PERFORMANCE: LEARNING

I. /ALL L.D./ ★

____ 1. Additional support
____1(a) "Buddy" system
____1(b) Peer tutors
____1(c) Volunteers/aides
____1(d) Cooperative learning
____ 2. Allow explanation
____ 3. Use of mistakes
____ 4. Self-checking
____ 5. Instructional games
____ 6. Charting progress
____ 7. Multi-modal response

II. /WRITTEN EXPRESSION PROBLEMS/

____ *1. Allow more time
____ *2. Use of short answers
____ *3. Phrases → sentences
____ *4. Stress accuracy
____ *5. Class time to work
____ *6. Specific feedback
____ *7. Specific feedback
____ *8. Check with a model
____ *9. Use pictures with written product
____ *10. Proofreading checklist
____*11. Skip lines in draft
____ 12. Oral reports
____ 13. Answer fewer questions
____ 14. Reduce writing requirements
____ 15. Check work on calculator
____ 16. Distraction free work area
____ 17. Modify original task
____ 18. Proofread draft
____ 19. Journals
____c20. All-student response cards
____c21. Tape answers

III. /VERBAL EXPRESSION PROBLEMS/

____ *1. Extra time to answer
____ *2. Hint
____ *3. Notes with oral report
____ *4. Visual with oral report
____ *5. Read silently → orally
____ *6. Small group discussion
____ *7. Time limit on oral reports
____ 8. Rate oral reports
____ 9. All-student response cards
____ 10. Specific questions
____ 11. Small group discussion
____ 12. Tape their oral reports
____c13. Projects
____c14. Written instead of verbal

/OTHER ACCOMMODATIONS: LEARNING/ (Use space to specify additional recommendations.)

STUDENT PERFORMANCE: TEACHER TESTS

I. /ALL L.D./ ★

____ *1. Review before test
____ *2. Possible questions
____ *3. Frequent quizzes
____ *4. Credit for all participation
____ *5. Untimed tests
____ *6. Test objectives
____ *7. Test same as teaching method
____ *8. Key words
____ 9. Read test to student
____ 10. Small group testing
____ 11. Short tests
____ 12. Avoid "pop" quizzes
____ 13. Survey test
____ 14. Partial credit
____ 15. Open book tests

II. /WRITTEN EXPRESSION PROBLEMS/

____ *1. Tests with less writing
____ *2. Write on test
____ *3. Accept print or cursive
____ *4. Grade content vs. mechanics
____ *5. Allow webs/diagrams
____ 6. Outline vs. paragraph form
____ 7. Test format same as teaching format
____ 8. Manipulatives
____ *9. Oral exams

III. /VERBAL EXPRESSION PROBLEMS/

____ *1. Drawings with verbal response
____ *2. Allow adequate time
____ 3. Manipulatives with verbal response
____ 4. Tape answers
____ 5. Oral answers in different setting
____ *6. Alternative response mode

STUDENT PERFORMANCE: STANDARDIZED

I. /ALL L.D./ ★

____ *1. Inform of time allotted
____ *2. Check samples
____ *3. Index card to block
____ *4. Monitor for correct way of answering
____ *5. Read all choices → select
____ 6. Orient to test format
____ 7. Assist on test mechanics
____ 8. Test in small group
____ 9. Reduce anxiety

/OTHER ACCOMMODATIONS: TESTING/ (Use space to specify additional recommendations.)

Mr. **Fauntroy**. Thank you so very much, Dr. Wake.

Am I correct in inferring from your testimony and from what you know of the GAO findings that the probability exists that a significant number or percentage of our adult prison population may well be learning disabled, that is, locally and nationally?

Dr. **Wake**. I would say that was probably accurate.

The Kingsbury Center did a study for GAO, several years ago, looking at incarcerated juveniles. At that time, we found that 27 percent of the juveniles in one State and 24 percent in another were severely learning disabled, and that a significant additional percentage were learning disordered, that is to say they had other reasons why they couldn't learn.

I can't see any reason why what is true of the juvenile population would not also be true of the adult population.

Mr. **Fauntroy**. In your testimony, you stressed the importance of the individualized education plan. That is required under Public Law 94-142. Why is that so important in your view?

Dr. **Wake**. Well, if the student's difficulty is in language, not understanding questions, then to spend one's teaching effort in teaching the child how to write, that is, the actual physical act of writing, is a waste of time and not meeting the student's need.

Whereas, if the student is having a memory problem, to spend an awful lot of time teaching reading is another waste of time.

These kids need extraordinarily specific—and remediation needs to be directed toward the exact, specific nature of the difficulty the child is experiencing.

Mr. **Fauntroy**. How do you—how easy is it to arrive at the nature of the problem and, thus, individualize the educational plan?

Dr. **Wake**. I would say that if the diagnostician is given sufficient time, the techniques currently exist to make accurate diagnosis fairly certain. But there is a great deal of time involved.

If I am evaluating a student whose needs are particularly complicated, I would often need as many as 10 hours with that student in order to trace down what the exact nature of the handicapping condition is. Because what one—what I do, personally, is I look at this like a sieve. I start out with an overall estimate of ability and of achievement.

Now, let's say I have someone who seems to have a particular pattern of errors in reading. I will then look at phonetic attack skills. And maybe I'm going to find that that person can't do phonics, like "ca at" makes cat. And then I'll check visual skills and see if that person is a visual learner. And try to figure out if we should remediate and teach phonic attack skills, or whether we should say, OK, this individual is a visual learner, let's work on visual reading techniques and forget the phonics.

So, you have to go in and be that kind of precise in terms of establishing the exactly correct diagnosis.

I think that's an extremely important thing to do, because it can save so much time if you know precisely where the problem is, because then you can work in that area with great concentration.

And, of course, there are many crossovers and many possibilities. You can have an impulsive kid who is confused about b and d and p and q who also has auditory memory problems. And then you have many aspects that you need to be remediating at the same time.

Mr. FAUNTROY. I have a number of questions, but I want to give my colleagues an opportunity now.

Mr. MCKINNEY. Well, thank you, Dr. Wake, very much, for your testimony, because I thought before we got into the GAO report we ought to have an explanation of what the science is and what the problem is.

Some experts feel that—in the field of special education—feel that learning disabilities and unrelated problems, such as, auditory and visual, are, in fact, a prime cause for acting out on the streets or juvenile delinquency or misbehavior. How do you feel about that?

Dr. WAKE. I, in my own dissertation research, I found that the learning-disabled vary widely in this. Many learning-disabled kids give up very early, and sit in the corner; and nobody pays any attention to them, ever, because they're sitting in the corner and they're not getting in trouble.

Other learning-disabled kids, who seem also to be impulsive, have problems and are not more quieter kinds of people—say, hey, this isn't working, this isn't fair. I'm not learning what I'm supposed to learn. And they act in such ways as to draw attention to themselves to get the kind of assistance they need.

Also, I have talked a bit about some of the issues related to learning disabilities. One issue which I did not emphasize was that there are behavior correlates frequently found in learning disabilities. These kids are often impulsive. They often don't respond to rewards in the usual way. And they are often lacking in social judgment.

I have a colleague who said to me, half in jest, but only half, if you want to think about who was learning disabled in your childhood, you think about the kid who was always the one who was caught when the authorities turned up. Always the kid who had it when mom turned up or the teacher turned up. That's probably the learning disabled because that's the person who lacks judgment.

So, these kids are impulsive, they're angry, and they're lacking in judgment. And, yes, they do get into trouble.

Mr. MCKINNEY. But you believe firmly, don't you, that diagnosis can solve a lot of these problems or perhaps even limit our juvenile street crime and our necessity for incarceration?

Dr. WAKE. Well, yes. Because I think the very qualities that make a child who is not receiving what he needs to succeed in the classroom fight, when you can show that child how to get what he needs and train him in useful skills, are going to make that person a particularly successful citizen.

Mr. MCKINNEY. One last question. I really appreciate your comments before our GAO testimony later.

Do you feel that people who are not trained in psychiatry, psychology can really analyze what is wrong with these children?

Dr. WAKE. I think that's a very complicated and difficult issue. Because, in all honesty, the person who usually tells me most about what a learning disability is about for a child is, first of all, the child, and, second, the child's mother, because mothers know their kids, and they know what's wrong, and they know what hasn't worked.

Mr. **McKinney**. Assuming, outside of that, it does take somewhat of a minimal training in either one of those fields, doesn't it, to see the roadsides?

Dr. **Wake**. I think that for children who have a severe behavioral, emotional component to their difficulties, absolutely.

I myself am always very uncomfortable doing a complete diagnosis without access to the classroom teacher. Because a skilled and sensitive teacher who has observed a child for a year can certainly say, look, I don't understand about Johnny. He does this fine. But whenever I do this, he really has a lot of trouble.

I think a psychologist can do an effective diagnosis, but I really think a team approach is useful.

For instance, I talked some about language disabilities. I've done a lot of work with language. It's a particular interest of mine. But when language problems get complicated enough, I certainly want a consultation with someone whose real expertise is speech and language.

Mr. **McKinney**. Thank you very much, Doctor. I appreciate everything you've had to say.

Mr. **Fauntroy**. Mr. Bliley.

Mr. **Bliley**. Thank you, Mr. Chairman.

Dr. Wake, I thank you also for being with us this morning and sharing your expertise.

Is remedial education the same as special education?

Dr. **Wake**. Not necessarily.

I divide the adolescents particularly, that I see, into two groups. A group that seems, for whatever reason, perhaps the limited nature of their disability, to be able to do well in a traditional classroom, as long as they have outside support.

For example, a kid who has reasoning problems may have a terrible time in geometry, and may be able to make his way through many of the other parts of the curriculum just fine, so that at that point you need to provide a lot of assistance to that child in that area. And I think some of that can be done very well outside of school.

Kids with much more severe handicaps, I think, need special education. So, I see special education as a subset of remedial education.

Mr. **Bliley**. I see.

Is remedial education effective in educating children with specific learning disabilities?

Dr. **Wake**. It can be.

Mr. **Bliley**. Why is IEP or the individualized education plan so important to the education of a learning-disabled child?

Dr. **Wake**. Well, I think that you can't educate a student with a disability unless you know and understand what that disability is about.

And I see the IEP as a special form of accountability. Because a good IEP will state, this is where the student is at this time, this is the student's need for the next 6 months, the next academic year, these are the ways we're going to meet those needs. And then at the end of the year we're going to look and see if we've done the job.

And, so, to me, the hallmark of a good IEP and of successful tutoring is, we set the following goals, we are working toward those goals, we have met them within a certain period of time. Or if we can't, if the individual can't go as fast as we would hope, then we restate and refocus our goals.

Mr. **Bliley**. Do you know of any nearby jurisdictions which have particularly good special education programs?

Dr. **Wake**. Within the State system?

I feel like I'm giving Montgomery County a commercial. This particular book which I have given to you all is from Montgomery County. I think that they—they work very hard with their kids.

I think that most of the areas around here, particularly close in, do a fine job for their students. I just happen to know Montgomery County better than some.

Mr. **Bliley**. Thank you.

Thank you, Mr. Chairman.

Mr. **Fauntroy**. I thank you.

Dr. Wake, I was wondering if you'd just respond to one final question. I wonder if you would outline for me what would be the procedures that society ought to take, at several levels, in handling the learning disabled, beginning first with the school? What ought to happen there in identification of the learning disabled? And once identification has been made, what procedures ought to be followed?

Dr. **Wake**. I think that an issue which is important in looking at specific learning disabilities is that disabilities tend to show themselves at different stages in the educational process.

For example, in kindergarten and first grade, a sensitive teacher will see that the kid is not learning to do visual discrimination, the b, d, p, q.

By fourth grade, kids with writing problems are beginning to be seen. That is, the kid has learned to read, but he can't get written assignments done promptly and his writing is showing serious difficulty.

In early junior high school, organizational kinds of issues become important as do reasoning problems.

So, I think that one thing school systems have to do is be very sensitive to the developmental spectrum and to look for problems that appear at different stages in a student's academic career.

You can't say that at 6, if a kid is looking like he has no problems, that he's not ever going to have problems, in short. So, we need to carry this on as an ongoing process.

I would think that teachers are the first line of defense for the school because teachers know their kids, and they know—well, Johnny is really confusing to me, because he sure seems bright enough, but his reading is just real pokey, and he's just not getting phonics.

So, I think teachers should be the first source of referral. And I think that one of my concerns is that there is generally such an enormous period of time between the initial referral by a teacher and the evaluation, particularly if a kid is not causing disturbances. There can frequently be up to a year or a year and a half before a child is evaluated.

Now, what that means to that child is that child is sitting there every day failing.

And if you go to work every day, and you work in a bad situation, you're going to start to feel rotten about yourself. And that's what happens to kids.

So that the longer a kid in difficulty continues to have difficulty without getting help, the more likely that kid is to have secondary emotional problems about being a bad person, a dumb person, and not knowing what to do.

So, my sense is that the first thing that one needs to do is to keep careful track of kids, to make sure that teachers are free to get consultation about the kids whose learning styles are troubling them, and that quick and accurate diagnosis can be provided, so that one can follow up on these kids and begin to give them the special help they need.

Mr. **Fauntroy**. Mr. McKinney, would you care to follow up, as you suggested?

Mr. **McKinney**. Well, I just sense we're going to be going to the GAO portrait briefly.

What would be your suggestion for—say the child has slipped through these cracks, the child's in trouble, the child is at Cedar Knoll—what would be the first thing that you would do for that child?

Dr. **Wake**. I think I would try to find somebody competent with whom that child could identify comfortably to begin a remeditation project.

I would look to try tutors who understood a kid like that kid and that kid's problems. Because the first thing that's going to happen is that kid has to build a relationship with somebody that kid believes can be helpful.

Once that relationship is built, then I believe that one can go ahead and do the diagnosis and begin the remediation.

And it certainly seems to me that if someone is incarcerated it is a really ideal situation to do intensive remediation because and on account of the kid isn't off listening to TV, or talking to his girlfriend on the telephone, or any of the other distractors we run into in adolescents.

So, my sense is, pick out the needs, involve the kid in the process, let the kid see that there are people who care, and start the teaching process.

Mr. **McKinney**. Thank you very much, Doctor.

Mr. **Fauntroy**. All right. Thank you.

May I now move to the panel from the General Accounting Office. Mr. Gene Dodaro, who is the Associate Director of the General Government Division, together with Mr. Anthony N. Salvemini, who is the Senior Evaluator for the Washington Regional Office.

Gentlemen, we are very pleased to have you.

We likewise have your prepared testimony. And you may proceed as you choose in presenting it. Ideally, a summary would be in order. But feel free to present your testimony as you deem necessary.

Mr. **Bliley**. Mr. Chairman, I'd ask for unanimous consent that their full testimony, as submitted, go into the record.

Mr. **Fauntroy**. Without objection, so ordered.

Mr. Dodaro, just as you begin your testimony, I'm going to have to leave the Chair momentarily. Please proceed with your testimony. And questions will proceed both from my counsel here and from the members of the committee.

STATEMENTS OF GENE DODARO, ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION, U.S. GENERAL ACCOUNTING OFFICE, AND ANTHONY N. SALVEMINI, SENIOR EVALUATOR, WASHINGTON REGIONAL OFFICE, U.S. GENERAL ACCOUNTING OFFICE

STATEMENT OF MR. DODARO

Mr. **Dodaro**. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee, good morning.

I am Gene Dodaro, associate director, responsible for GAO work in the District of Columbia. With me is Anthony Salvemini, who directed our work concerning the identification and education of handicapped delinquents in the District.

For the purpose of this audit, handicapped juveniles are those who have a specific learning disability or who are seriously emotionally disturbed, examples of which Dr. Wake has well outlined for us this morning.

As mentioned earlier, our work was requested by Representative Stewart B. McKinney, who was concerned that D.C. handicapped delinquents——

Mr. **McKinney**. Excuse me. Could I interrupt?

Mr. **Dodaro**. Yes, sir.

Mr. **McKinney**. Are these two charts the same?

Mr. **Dodaro**. Yes.

Mr. **McKinney**. Perhaps we could put that other part up here somewhere, because I think we're blocking half the audience who would like to see that.

Mr. **Dodaro**. Just move it. Fine.

Mr. **McKinney**. If we could just maybe move it up here behind those empty chairs.

Mr. **Dodaro**. Fine.

Mr. **McKinney**. Yeah. We can just rest it on these three empty chairs up here. I think the public should see the chart as well as the members.

I apologize. Please proceed.

Mr. **Dodaro**. Thank you.

As mentioned earlier, our work was requested by Representative Stewart B. McKinney, who was concerned that D.C. handicapped delinquents were not receiving needed services as required by the Education for All Handicapped Children Act of 1975.

The act, commonly known as Public Law 94-142, provides supplemental Federal funding to States, territories, and the District of Columbia to provide a free, appropriate public education to all handicapped children.

As of April 19, 1985, the District was entitled, under this law, to $257 for each eligible handicapped child, up to a maximum of 12 percent of the school population.

For fiscal year 1985, the District expects to expend about $34 million from all sources to educate handicapped children; $3.8 million will come from Federal programs.

As a condition for receiving assistance under Public Law 94-142, the District must provide assurances that all children suspected of having a handicapping condition will be identified, evaluated, and, if necessary, provided special education and related services, such as psychological counseling. Before services can be provided, an individualized education program is developed to meet the child's unique needs.

To receive funds under the act, the D.C. Board of Education, as the State educational agency, must submit a program plan to the U.S. Department of Education, which is ultimately responsible for implementation of Public Law 94-142. The plan delineates how the board will implement the law's requirements and ensure that all handicapped children are educated. Under the board's direction, the D.C. public schools evaluate school children suspected or identified as having a handicap and provide them with special education.

For most handicapped children, primary contact is with the D.C. public schools. However, handicapped delinquents also can have contact with two other District entities as they move through the city's juvenile justice system—the D.C. Superior Court, which determines if alleged juveniles are involved in an illegal act and operates probation programs; and the D.C. Department of Human Services, Youth Services Administration, which provides supervisory and educational services to delinquents and operates the District's residential facilities. These facilities house juveniles awaiting hearings and those serving their terms of commitment.

I think it is important that we spend just a moment describing the type of juvenile we are focusing on today. We're talking about juveniles who typically are 10 to 18 years old, most of whom have been arrested for more than one crime. Fifty-eight percent have been found to be involved in an illegal act more than once. The most common crimes were burglary, robbery, and assault. These juveniles' problems are compounded by handicapping conditions.

Handicapped delinquents tend to be younger and arrested more often than nonhandicapped delinquents.

I would like to describe one handicapped delinquent's file to illustrate this point. At the time of his latest disposition in 1983, this delinquent was 13 years old and had been arrested six times. As a result of testing, this delinquent had been identified as both learning disabled and emotionally disturbed, and his file indicated problems such as underachievement, depression, and violent behavior.

With this background, we found that many handicapped delinquents in the District have not been afforded opportunities for special education. Over half had information in their records indicating a handicapping condition, but no subsequent action was taken.

Second, when a juvenile had an individualized education program developed, it often did not contain all the required information. Also, handicapped delinquents at District residential facilities, whether they had individualized programs or not, did not receive special education because these facilities had no such services.

The reason for these problems is fundamental. The District has not implemented an effective system to ensure compliance with Public Law 94-142 as it relates to handicapped delinquents. The current system of coordination, information exchange, and program monitoring needs improvement.

Solving these problems will not be easy, and overnight solutions will not be forthcoming. Such problems have existed for quite some time. In certain instances, plans to address these issues were prepared but never approved or implemented.

We recognize that certain inherent problems face District officials as they try to meet the challenge of identifying and educating handicapped delinquents. One of the most challenging is ensuring that the various independent entities work well together.

Our work was limited to the District, but U.S. Department of Education representatives and others have indicated that educating handicapped delinquents is a national issue and coordinating activities of the various entities providing program services is a problem elsewhere.

In the District, both the Mayor and the board of education are vested with authority over their respective educational programs. Both entities also interface with the D.C. Superior Court. Although the board of education is the central point of responsibility and accountability in the education of handicapped delinquents, a well functioning system can only exist if all parties place a premium on cooperation and coordination.

The District needs to improve its system for providing services to handicapped delinquents. The D.C. schools, Department of Human Services, and the court must work together to adopt needed changes. These agencies, along with the U.S. Department of Education, also should ensure that such reforms are successfully implemented and maintained.

These delinquents are children and teenagers today, but tomorrow they will be adults. The faster the District can improve its education of handicapped delinquents, the sooner everyone will benefit.

Mr. Salvemini will now discuss the results of our study in more detail and provide our suggestions for corrective action. These suggestions have been discussed with District officials who generally concurred and, in some instances, have already started to take corrective actions.

STATEMENT OF MR. SALVEMINI

Mr. **Salvemini**. Mr. McKinney and Mr. Bliley, I am pleased to be here today to discuss our study.

I will describe how a juvenile moves through the juvenile justice system and illustrate how the three District entities may interact with a juvenile. I will briefly explain the data base used in our review, elaborate on the issues which Mr. Dodaro has just mentioned, and close my remarks with the recommendations we believe can help solve some of the problems we noted.

I first draw your attention to these charts, if I may.

In the District of Columbia, there are three agencies, three entities, if you will, that are involved with juveniles.

The chart here, on both sides, is the same. The chart here shows the District of Columbia public schools in blue, superior court in yellow, and the D.C. Department of Human Services in green.

What we're trying to show here, sir, is the fact that a juvenile, supposedly under the age of 16, is in the school system in the District of Columbia. He or she then gets arrested and is brought down, say, on Saturday night, to the District court, which is closed. The juvenile then is taken to the Receiving Home for Children, where a court liaison officer makes a determination of whether to release the child or to hold the child over for the initial hearing.

At the initial hearing, a judge may determine that the juvenile does not necessarily have to be held over for trial. He's released, assuming the fact that the police do not have enough evidence to hold him or her. If the juvenile is under age, he's returned back into the school system.

Also, another way out of the system, at this point, is through a consent decree. A consent decree is when a juvenile does not admit guilt, but agrees to go on a 6-month probation, and then they are turned back into the school system, as shown on the chart. And if they fully complete that probation, the matter is dropped and the records are expunged.

Assuming the juvenile, though, is held over for trial, which is our next box here, and after trial, of course, if the juvenile is found not guilty, he or she is released back into the school system.

Assuming, though, that the individual is found guilty, that child is then held over for a disposition hearing. At that disposition hearing, the judge may do one of two things. In our case, the juvenile may be released on probation and report to a probation officer in the court, and then back into the school system while that person is on probation, or held over and remanded to YSA's custody. That would be either Oak Hill or Cedar Knoll.

If the individual is in YSA custody, one of two things may happen. The individual may go immediately into YSA aftercare, and after successfully completing that program be released into the school system, or held over, at the order of the judge, and placed in what is known as a residential facility. That is Oak Hill or Cedar Knoll and, in certain instances, private contracted residential facilities.

Once in that system, and after completing a certain amount of time, the juvenile is then moved into the YSA aftercare program, which is nothing more than another form of probation, except that it is administered by YSA.

Once aftercare is successfully completed, the individual is then released and presumably goes back into the public school system.

One of the important things that this chart shows is that testing of an individual juvenile can and does take place at three different points in the system. An individual may be tested by the schools, which is outlined here in blue, prior to being arrested. The juvenile may then again be tested by the courts, which is outlined in yellow, between the time of the trial and the disposition hearing. Third, the juvenile may be tested when in YSA's custody, which is outlined here in green.

The importance of understanding that testing may take place at three separate points within the juvenile justice system is the fact that we found the schools and YSA use entirely different criteria and standards in administering those tests and determining eligibility, and, as we will talk about in a few moments, the results of those tests are not shared among the schools, the courts, or YSA.

Our review included juveniles who received a consent decree or who were found guilty in calendar year 1983, the most recent year for which complete data was available.

According to court records, there were 1,287 different juveniles adjudicated that year. The court had no listing which indicated which of the 1,287 juvenile delinquents were handicapped. But we were able to identify 173 of these delinquents as handicapped by reviewing information provided by YSA or the public school.

We reviewed case files for all these delinquents. To determine if the remaining delinquents had a handicapping condition, we randomly selected a sample of 281 juveniles. We, therefore, reviewed case files and collected specific data for the 281 as well as the 173, for a total of 454 juveniles.

Our sample considered a 95-percent confidence level and a 5-percent sampling error rate, which, basically, means that we are 95 percent confident in statistical projections that what we found by looking at these 454 files is true for the entire universe of juvenile delinquents in calendar year 1983.

The major point that I will discuss with you today is the fact that GAO found that many handicapped delinquents are not afforded an opportunity for special education, that, in fact, individualized education programs do not meet the requirements of 94-142, and that most handicapped delinquents in YSA's custody do not receive special education.

I would like to give you further details, now, about these findings.

Based on our review, we projected 595, not 173, or approximately 46 percent of the 1,287 juvenile delinquents in 1983 have been identified as handicapped.

We identified these delinquents by reviewing analytical reports of test results contained in juveniles' files at the court, YSA, and the public schools. We did not interpret the test results ourselves, rather, we relied on the analyses that were prepared by professionals, such as, clinical psychologists, psychiatrists, and educational psychologists.

The tests they administer include intelligence tests, psychological tests, auditory discrimination tests, and certain academic achievement tests.

In 42 percent of the cases, there were indications from more than one source that the delinquent was learning disabled and/or emotionally disturbed. In none of these cases did we find indications that these handicapping conditions did not exist.

A juvenile who is identified as handicapped must have an individualized education program or IEP that delineates the specific services required to meet the juvenile's unique needs. Without an IEP, a juvenile cannot receive special education or related services.

We projected, as shown here, that about 64 percent, or 372 of the 595 handicapped delinquents, did not have IEP's.

Examples where we found no IEP and no indication that an IEP was not needed are the following.

A 14-year-old juvenile, found guilty of burglary, simple assault, and assault with a deadly weapon, was identified as emotionally disturbed and learning disabled by both YSA and the court. In addition, numerous entities, including the court's Child Guidance Clinic, St. Elizabeths Hospital, and the Cedar Knoll Diagnostic Review Team recommended the development of an IEP for this individual. It was not done.

Another example. A 14-year-old, found guilty of burglary and placed in immediate aftercare, was identified by the court as being learning disabled, emotionally disturbed, and having organic brain damage. YSA identified this juvenile as learning disabled and emotionally disturbed. The public schools had test results identifying the juvenile as emotionally disturbed and learning disabled. No IEP was developed.

Of the projected 223 IEP's that were developed by the public schools and YSA, 73 percent did not meet all of Public Law 94-142 requirements. In order to be in compliance, each IEP must contain certain educational components and meet certain procedural requirements. Educational components include present educational level and annual goals, short-term instructional objectives, specific services, time frames for the initiation and duration of services, criteria to annually evaluate whether or not the objectives are achieved.

The omission from the IEP of any of the specific educational components means that criteria and benchmarks against which to monitor a juvenile's special education are lacking. Fourteen percent of the IEP's were missing the required educational components.

The procedural requirements. These include such things as the participation of certain individuals in the preparation of the IEP, annual review of the IEP, and the right to a hearing regarding the juvenile's placement. Forty-five percent of the IEP's were deficient under the procedural requirements of the law.

In addition, another 14 percent met neither educational nor procedural requirements.

In addition to our analysis, District and court officials gave us their opinions about problems with IEP's. The problems cited were that IEP's were not written to meet a juveniles specific needs or that IEP's were written to require only those services which the facility could provide, rather than to the juvenile's individual needs.

The Logan Child Study Center is the public schools' central facility that performs assessments for juveniles suspected of being handicapped, develops IEP's, and arranges placement.

The *Mills* decree requires that assessment, IEP development, and placement of handicapped juveniles be completed within a maximum of 60 calendar days from the date of referral.

We analyzed the length of time it took the center to complete cases for school year 1983-84, again the most recent year for which complete data was available. That year, the center handled 920 cases, but failed in 727, or approximately 79 percent of its caseload.

The average number of days it took to place a juvenile in school year 1983-84 was 117. Of the cases that took longer than 60 days, 255 took between 100 and 150 days. In addition, another 119 cases, or 13 percent, took more than 200 days.

The center's director gave us several reasons for the delay. First, four administrative regions often exceed the calendar-day limit before they refer the juvenile to the center. The juvenile sometimes becomes hospitalized or otherwise unavailable. Also most staff at the center work under the teachers union contract and, therefore, work shortened hours in the summer and only 6-hour days during the school year. The effect is that hundreds of juveniles——

Mr. McKINNEY. Would you excuse me? Would you repeat that last statement about work days? I just want to hear it once more.

Mr. SALVEMINI. The center's director informed us that most of the staff at the center work under the teachers union contract and, therefore, work shortened hours in the summer and only 6-hour days during the school year.

The effect is that hundreds of juveniles are not being educationally assessed and placed in the required time frame.

No special education exists at the three public facilities operated by YSA. Oak Hill, Cedar Knoll, and the Receiving Home for Children do not provide special education to handicapped delinquents. None of the 182 placed at Oak Hill or the 286 juvenile delinquents placed at Cedar Knoll received special education.

Oak Hill does not provide special education. In addition, class formation is based on assignment to residential cottages, not on a delinquent's educational level. As a result, Oak Hill classes consist of delinquents who vary in age, ability and behavior. Students in any one class read at levels ranging from the second to the eleventh grade.

Cedar Knoll did not provide special education and has been in the process of closing since 1983. The school at Cedar Knoll has, in fact, been closed since July 1985, and delinquents are now bused to Oak Hill.

In addition, the Receiving Home for Children did not provide special education. In fact, even regular education at the receiving home was limited.

In addition, we visited five contracted residential facilities, where 18 handicapped delinquents in our sample were placed. At the time of our visit, 10 handicapped delinquents at three of these facilities were not receiving special education. This is because the board of education does not ensure that handicapped delinquents placed in contracted residential facilities receive needed special education.

To solve some of these problems, YSA is developing new programs to identify and educate handicapped delinquents at Oak Hill and the receiving home. These programs will not be fully implemented until later this year.

However, we have the following observations to make about these programs.

First. We are concerned because YSA programs still would not meet public school special education standards—for example, teacher certification.

Second. If YSA develops its own self-contained system at Oak Hill to test, identify handicapped delinquents, and prepare IEP's, they will likely be performing functions that are already being performed by the public schools for the majority of the handicapped delinquents in the District.

I'd like to talk a little bit about YSA teachers.

Public Law 94-142 requires educational programs to meet the educational standards of a State educational agency, the SEA, in this case, the District of Columbia public schools.

The board of education requires that the public schools special education teachers be certified by the board to teach special education. However, YSA policies do not require board certification of its teachers.

We found that as of September 4, 1985, 12 of the 14 teachers at Oak Hill and Cedar Knoll were not certified by the District of Columbia Board of Education to teach any subject. None of the 14 teachers was certified by the board to teach special education. Ten of Cedar Knoll's education staff graduated from a local college's Master of Special Education Extension Program. However, according to the chief of the education and certification branch of the State of Maryland's Department of Education, this program was never accredited.

We'd like to talk about testing at YSA facilities.

YSA had no criteria for determining eligibility or standards for identifying handicapped delinquents and did not follow public schools' standards.

A report on a 1985 monitoring visit by the public schools said that Oak Hill and Cedar Knoll had no criteria to determine which delinquents were handicapped and in need of special education. The report said that evidence was found to indicate that 32 students were handicapped and in need of special education. However, Oak Hill had only identified 17 of these.

YSA stopped testing delinquents at Cedar Knoll in May 1984, because that facility was scheduled to be closed.

Oak Hill had no diagnostician. In February 1985, a private contractor began providing educational diagnostic testing at Oak Hill. This is the only testing activity employed by YSA.

Public Law 94-142 requires the board of education to ensure that handicapped juveniles have available to them a free, appropriate public education, which includes special education to meet their unique needs.

The District's State plan states the public schools will evaluate, at least annually, the effectiveness of programs in meeting the educational needs of handicapped juveniles. Public schools monitored YSA public facilities, but not contracted residential facilities where handicapped delinquents were placed.

Public schools monitored Cedar Knoll and Oak Hill in 1982, 1983, and 1985. The 1982, 1983, and 1985 reports indicated problems, such as incomplete IEP's. In addition the May 6, 1985 report gave more detailed information regarding handicapped delinquents not being identified and not receiving special education at these facilities. The monitoring report also required specific corrective actions for Oak Hill, but not Cedar Knoll because it is closing. For Oak Hill, the public schools has requested the D.C. Department of Human Services to develop procedures and guidelines to ensure that all handicapped delinquents are identified and assessed to determine their need for special education and related services.

Public schools did not monitor the receiving home for children until 1985, after we, GAO, informed them of the initiation of education programs at this facility as of April 1, 1985.

In our opinion, this lack of timely acknowledgment of these specific problems and appropriate action has contributed to handicapped delinquents receiving no special education at these facilities.

Public schools have not monitored contracted residential facilities where handicapped delinquents are placed. In our opinion, public schools' monitoring of these facilities is important in order to provide public schools with knowledge of programs available, quality of programs, and proper enrollment of handicapped delinquents.

In an attempt to resolve this issue, DHS and the public schools have developed draft procedures and guidelines regarding the referral, placement, and monitoring of children and youth in residential treatment facilities, but as of today these procedures have not been adopted.

Mr. McKINNEY. Mr. Salvemini, excuse me for interrupting. Are you saying that there are private residential facilities in the District or outside of the District that have not been monitored or visited by, say, the department of education or by Youth Services Administration?

Mr. SALVEMINI. What we found was that DHS sends a team to the private contracted residential facilities. The public schools sends a person with the DHS group. Absolutely no program quality monitoring is performed when this team goes to the contracted residential facility.

We'd like to now talk about YSA followup services.

Of our projected 595 handicapped delinquents, 214, or approximately 36 percent, have been in aftercare. A delinquent is in the Aftercare Program after being released, but before the YSA commitment ends.

Although the Aftercare Program's objective is to reintegrate the delinquent into the community, several persons were of the opinion that this is not being successfully accomplished. Both of the judges that we talked to in superior court stated to us that aftercare is disgraceful, that a delinquent just drops off and receives no help or guidance from the aftercare worker, and that the judge has never known a delinquent in aftercare to be placed in an appropriate educational program.

Another superior court judge stated to us that there is no formal planning for the post-release period when a delinquent is released from a YSA residential facility.

The director of one contracted residential facility stated to us that residential treatment is the end of the line. The director stated that a delinquent is just dropped, instead of being worked back into the community.

For example, when a delinquent is released from a contracted residential facility, a release plan similar to a contract is prepared. However, this information is not routinely forwarded to the public schools, and is given to parents only if they know and request it.

A supervisor of aftercare social workers told us that social workers do not enroll the delinquent back into school unless they are requested to do so by the parents. In addition, they told us that they do not know which delinquents are handicapped and, therefore, cannot assist these individuals in receiving services.

YSA officials in charge of aftercare told us that their staffs are not qualified as social workers. In their opinion, the staff should be required to have a master's degree in social work. However, only one worker in aftercare has such a degree. Six workers have degrees other than masters of social work, and seven have no college degree at all.

There was no focal point for coordination and information exchange among the public schools, the courts, and YSA. This lack of coordination, which has been identified as a problem as far back as 1966 in a report by the President's Commission on Crime in the District of Columbia, affects the appropriate identification, placement, and education of District handicapped delinquents.

YSA, the courts, and the public school officials stated that formal coordination and informal communication among the three entities is not adequate. YSA and court officials do not know whom to contact at the schools for information. Public school officials say they do not receive information from YSA and are not routinely notified by the court in a timely manner if a juvenile is arrested. This lack of notification has sometimes resulted in the public schools marking delinquents as truant and not recognizing their attendance in classes at other facilities.

Due to this lack of coordination, test results and IEP's are not transferred as a juvenile moves from the public schools to the court, to YSA, and back to the public schools. As a result, psychological or educational testing conducted by one agency may never be communicated to the other two.

For example, the court did not have test results from the public schools for approximately 79 percent of the delinquents we tracked. YSA did not have test results from the public schools for approximately 81 percent. And the public schools did not have test results from the court for approximately 82 percent of the delinquents we tracked.

In addition, IEP's are not consistently transferred from one entity to another. For example, a 15-year-old delinquent found guilty on a narcotics charge was placed in Oak Hill. The public school files contained an IEP for this delinquent. However, the Oak Hill file did not contain the IEP. As a result, Oak Hill did not know what services were required to meet this handicapped delinquent's unique needs.

We also found that handicapped delinquents are not systematically tracked as they flow through the District system. In fact, none of the three entities could provide a complete list of all D.C. handicapped delinquents. The court could state who was a delinquent, but it did not know who was handicapped. The public schools did not know who was a handicapped delinquent. And YSA did not know all those delinquents in its custody who were handicapped.

YSA is developing a computer tracking system only for detained and committed juveniles in its custody. Although the development of YSA's system is a step in the right direction, this new system will not track delinquents through the District system because all three entities are not involved.

In conclusion, under Public Law 94-142, assistance to States is conditioned on assurances that all handicapped juveniles, including delinquents, will be identified and receive services to meet their unique needs. The District is not meeting its commitments under Public Law 94-142 as it relates to handicapped delinquents. All handicapped delinquents are not being identified as such, are not having IEP's written for them, and are not receiving the special education services they have been identified as needing and are entitled to under the law.

We recognize that many problems exist in identifying and educating delinquents and that solving these problems will not be an easy or short-term endeavor.

The District can, however, begin to take steps to improve coordination, information exchange, program monitoring, uniformity of standards, and accountability.

As stated earlier, implementation of Public Law 94-142 is the responsibility of the board of education as the State educational agency.

To assure compliance, the board must work effectively with YSA and the court. In the past, the success of these independent entities at working together has been minimal.

Unless a workable system is developed to identify and educate handicapped delinquents, new programs will have little chance to succeed, and special education for handicapped delinquents will not be available to all those entitled to it.

We would like to now talk about what we believe needs to be done to fix these problems.

The board of education should direct the superintendent of the District of Columbia public schools to work toward reducing the time necessary for assessment, IEP development, and placement of handicapped delinquents with the goal of ultimately adhering to the Mills decree's 60-day requirement.

The superintendent of the public schools needs to test YSA delinquents with suspected handicapping conditions and develop IEP's.

The superintendent should assure that YSA and the public schools are referring all juveniles for testing who need to be tested and that the public schools are developing complete IEP's.

They need to monitor handicapped delinquents in the custody of YSA to ensure they receive at least the same services to which handicapped juveniles in the public school system are entitled.

Also, to ensure that appropriate contracted residential facilities are selected as placements for handicapped delinquents.

The superintendent needs to notify the court of the type of delinquent each facility is capable of serving and periodically ascertain whether the programs have changed.

In addition, the board needs to direct the superintendent to monitor YSA's contracted residential facilities for compliance with Public Law 94-142.

Public schools should monitor the educational program quality of these facilities, as well as at YSA's public residential facilities. This effort should assure that required services in IEP's are being provided by these facilities.

Designate a public school liaison to coordinate and exchange records, such as, IEP's, test results, educational histories, with YSA and the court, and develop written procedures and establish specific criteria for forwarding information to YSA and the court regarding court or YSA detained juveniles.

Last, the board needs to direct the superintendent to provide, where YSA cannot, educational and related services which are included in the handicapped delinquent's IEP.

The Mayor of the District of Columbia needs to direct the D.C. Department of Human Services, Youth Services Administration, to transfer to the public schools the responsibility for testing suspected handicapped delinquents and preparing all necessary IEP's, provide all educational and related services which are required by a delinquent's IEP, and notify the public schools of the required services that YSA cannot provide.

Establish a special education program for handicapped delinquents at Oak Hill, Cedar Knoll, and the Receiving Home for Children and form classes based on academic level.

Designate a YSA liaison responsible for notifying the public schools that YSA is releasing a delinquent who will be returning to school. This liaison should also coordinate and exchange records, such as, IEP's, test results, and educational histories, with the public schools and the court.

Develop written procedures and establish specific critieria for forwarding information to the court and the public schools, once notified by the court that a juvenile is being detained or has reentered the school system.

The Mayor needs to direct YSA to emphasize the need to follow D.C. public school policies, procedures, and standards for special education, including standards for teacher certification and class size.

And last, the Mayor should direct YSA to evaluate followup services provided to delinquents after release from YSA custody and correct any administrative, management, and procedure problems identified.

In our opinion, the D.C. Superior Court should designate a court liaison responsible for notifying the public schools that the court is detaining a juvenile, who, therefore, cannot attend regular school classes. This liaison should also coordinate and exchange records, such as test results and educational or family histories, with the public schools and YSA.

The superior court needs to develop written procedures and establish criteria for the court liaison to forward to YSA and the public schools, as appropriate, information available regarding a delinquent, once an individual is placed in YSA's custody or has reentered the school system.

The Secretary of the U.S. Department of Education should provide the necessary oversight and assistance to bring the District into compliance with Public Law 94-142 as it relates to handicapped delinquents.

That concludes our testimony. We'd be happy to answer any questions you may have.

[The prepared statement and attachments of Mr. Dodaro and Mr. Salvemini follow:]

UNITED STATES GENERAL ACCOUNTING OFFICE
Washington, D.C. 20548

FOR RELEASE ON DELIVERY
Expected at 9:00a.m.
Tuesday, September 10, 1985

STATEMENT OF

GENE L. DODARO

ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION

AND

ANTHONY N. SALVEMINI

SENIOR EVALUATOR, WASHINGTON REGIONAL OFFICE

BEFORE THE

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

ON

IMPLEMENTATION OF P.L. 94-142 AS IT

RELATES TO HANDICAPPED DELINQUENTS IN THE

DISTRICT OF COLUMBIA

Mr. Chairman and Members of the Subcommittee:

Good morning, I am Gene Dodaro, Associate Director responsible for GAO work in the District of Columbia. With me is Anthony Salvemini, who directed our work concerning the identification and education of handicapped delinquents in the District. For the purpose of this audit, handicapped juveniles are those who have a specific learning disability or who are seriously emotionally disturbed. Our work was requested by Representative Stewart B. McKinney, who was concerned that D.C. handicapped delinquents were not receiving needed services, as required by the Education For All Handicapped Children Act of 1975 (P.L. 94-142).

The act, commonly known as Public Law 94-142, provides supplemental federal funding to states, territories, and the District of Columbia to provide a free appropriate public education to all handicapped children. As of April 19, 1985, the District was entitled under this law to $257 for each eligible handicapped child up to a maximum of 12 percent of the school population. For fiscal year 1985 the District expects to expend about $34 million from all sources to educate handicapped juveniles; $3.8 million will come from federal programs for this effort.

As a condition for receiving assistance under P.L. 94-142, the District must provide assurances that all children suspected of having a handicapping condition will be identified, evaluated and, if necessary, provided special education and related services, such as psychological counseling. Before services can be provided, an Individualized Education Program is developed to meet the child's unique needs.

To receive funds under the act, the D.C. Board of Education, as the State Educational Agency, must submit a program plan to the U.S. Department of Education, which is ultimately responsible for implementation of P.L. 94-142. The plan delineates how the Board will implement the legal requirements of P.L. 94-142 and ensure that all handicapped children are educated. Under the Board's direction, the D.C. Public Schools evaluate school children suspected or identified as having a handicap and provide them with special education.

For most handicapped children, primary contact is with the D.C. Public Schools; handicapped delinquents, however, also can have contact with two other District entities, as they move through the city's juvenile justice system:

-- The D.C. Superior Court, which determines if alleged delinquents are involved in an illegal act and operates a probation program.

-- The Department of Human Services, Youth Services Administration, which provides supervisory and educational services to delinquents and operates the District's residential facilities. These facilities house juveniles awaiting hearings and those serving their terms of commitment.

I think it is very important that we spend a moment describing the type of juvenile we have focused on. We are talking about juveniles who are typically 10-18 years old, most of whom have been arrested for more than one crime. Fifty-eight percent have been found to be involved in an illegal act more than once. The most common crimes were burglary, robbery, and assault. These juveniles' problems are compounded by handicapping conditions.

Handicapped delinquents tend to be younger, and arrested more often than non-handicapped delinquents. I would like to describe one handicapped delinquent's history to illustrate this point. At the time of his latest disposition in 1983, this delinquent was 13 years old, and had been arrested 6 times. As a result of testing, this delinquent had been identified as both learning disabled and emotionally disturbed, and his file indicated problems such as underachievement, depression, and violent behavior.

With this background, we found that many handicapped delinquents in the District have not been afforded opportunities for special education. Over half had information in their records indicating a handicapping condition, but no subsequent action was taken. Secondly, when a juvenile had an Individualized Education Program (IEP) developed it often did not contain all the required information. Also, handicapped delinquents at District residential facilities, whether they had individualized programs or not, did not receive special education because these facilities had no such services.

The reason for these problems is fundamental -- the District has not implemented an effective system to ensure compliance with P.L. 94-142 as it relates to handicapped delinquents. The current system of coordination, information exchange, and program monitoring needs improvement.

Solving these problems will not be easy, and overnight solutions will not be forthcoming. Such problems have existed for quite some time. In certain instances, plans to address these issues were prepared but never approved or implemented. We recognize that certain inherent problems face District officials as they try to meet the challenge of identifying and educating handicapped delinquents.

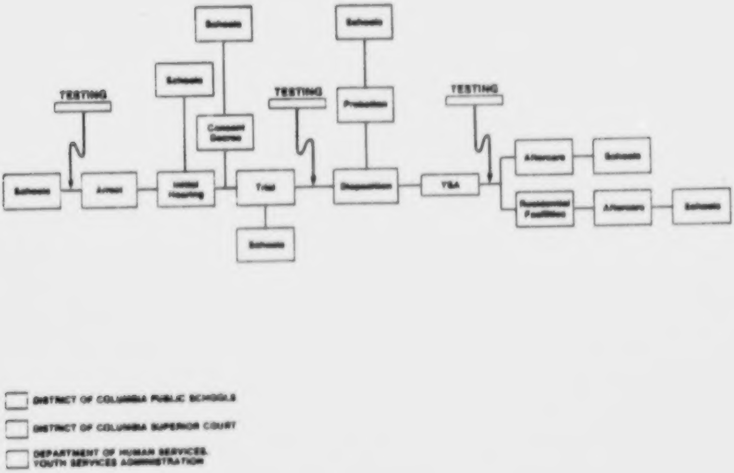
One of the most challenging problems is ensuring that the various independent entities work well together. Our work was limited to the District, but U.S. Department of Education representatives and others have indicated that educating handicapped delinquents is a national issue and coordinating activities of the various entities providing program services is a problem in other states. In the District, both the Mayor and the Board of Education are vested with authority over their respective educational programs. Both entities also interface with the D.C. Superior Court. Although the Board of Education is the central point of responsibility and accountability in the education of handicapped delinquents, a well functioning system can only exist if all parties place a premium on cooperation and coordination.

The District needs to improve its system for providing services to handicapped delinquents. The D.C. Schools, Department of Human Services, and the Court must work together to adopt needed changes. These agencies, along with the U.S. Department of Education, also should ensure that such reforms are successfully implemented and maintained. These delinquents are children and teenagers today, but tomorrow they will be adults. The faster the District can improve its education of handicapped delinquents, the sooner everyone will benefit.

Mr. Salvemini will now discuss the results of our study in more detail and provide our suggestions for corrective action. These suggestions have been discussed with District officials who generally concurred and, in some instances, have already started to take corrective action.

Mr. Chairman, I am pleased to be here today to discuss our study. I will describe how a juvenile moves through the juvenile justice system and illustrate how the three District entities may interact with a juvenile. I will then briefly explain the data base used in our review. Third, I will elaborate on the issues which Mr. Dodaro has just mentioned. Finally, I will close my remarks with the recommendations we believe can help solve some of the problems we noted.

SIMPLIFIED FLOW OF A JUVENILE THROUGH THE DISTRICT'S JUVENILE JUSTICE SYSTEM



Simplified Flow of a Juvenile Through the District's Juvenile Justice System

This chart illustrates the flow of a juvenile through the District's juvenile justice system and depicts the various places where testing for a handicapping condition may occur. Consider a hypothetical male juvenile, 15 years old, who is attending school. When the juvenile is arrested, he is taken directly to the Court for the initial hearing. If the Court is not in session, the juvenile is sent to the Youth Services Administration's (YSA) Receiving Home for Children, where a Court official decides whether to release him to his parent or guardian, or detain him until the initial hearing. This decision is based on such factors as: the juvenile's prior arrest record, his family situation, and/or the nature of his offense.

At the initial hearing a Court official decides whether to grant a consent decree, release or detain the juvenile until trial. A juvenile who is given a consent decree does not admit guilt, but is placed under Court supervision for a 6-month period and continues attending school. When ordered, detention is provided at a YSA facility.

If a juvenile goes to trial and is found guilty, a disposition hearing is held. At this time the delinquent may be placed on Court probation for direct supervision by a probation officer and would continue attending school. Alternatively, he may be committed to YSA, where he could be: (1) under direct supervision of a social worker and be required to attend school; (2) placed at a contracted residential facility; or (3) placed at a public residential facility, such as Oak Hill or Cedar Knoll. When the delinquent leaves a facility, he is supervised by a YSA social worker and attends school.

Testing of juveniles and identifying a handicapping condition may take place at any of several points in the system. First, the Public Schools may have tested and evaluated a juvenile for special education placement before arrest. Second, between adjudication and disposition, the Court may refer the delinquent for educational or psychological testing to aid the judge's decision. Third, YSA may perform such testing during the delinquent's term of commitment. While testing is performed by YSA and the Public Schools, each uses different standards for determining eligibility.

GAO Data Based on Calendar Year 1983

- Universe: 1,287 Juveniles
- Cases reviewed: 454 Juveniles
  - 173 Handicapped
  - 281 Non-handicapped
- Confidence level: 95% plus or minus 5%

Data Based on Calendar Year 1983

Our review included juveniles who received a consent decree or were found guilty by the D.C. Superior Court in calendar year 1983. We selected 1983 because it was the most recent year for which complete data were available. According to Court records, there were 1,287 different juveniles adjudicated that year.

The Court had no listing which indicated which of the 1,287 delinquents were handicapped, but we were able to identify 173 of these delinquents as handicapped by reviewing information provided by YSA or the Public Schools. We reviewed case files for all these delinquents. To determine if the remaining delinquents had a handicapping condition, we randomly selected a sample of 281 juveniles. We therefore reviewed case files and collected specific data for the 281 as well as the 173, or a total of 454 juveniles.

Our sample was selected using a statistical formula which considered the size of the universe, a 95 percent confidence level, and a 5 percent sampling error rate. The sampling process enabled us to be 95 percent confident in statistically projecting our results to the entire universe of 1,287 juvenile delinquents. Our sampling plan is described in more detail in the Appendix.

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GAO Findings

- Many handicapped delinquents not afforded opportunities for special education
- Individualized education programs do not meet all P.L. 94-142 requirements
- Most handicapped delinquents in YSA custody do not receive special education

Findings

The major points that I will discuss with you today are:

-- Many handicapped delinquents are not afforded opportunities for special education.

-- Individualized Education Programs do not meet all P.L. 94-142 requirements.

-- Most handicapped delinquents in YSA custody do not receive special education.

Now I would like to give you further details about our findings.

GAO 595 Delinquents Identified as Handicapped

- Identified as a result of testing by qualified professionals
- GAO did not interpret test results

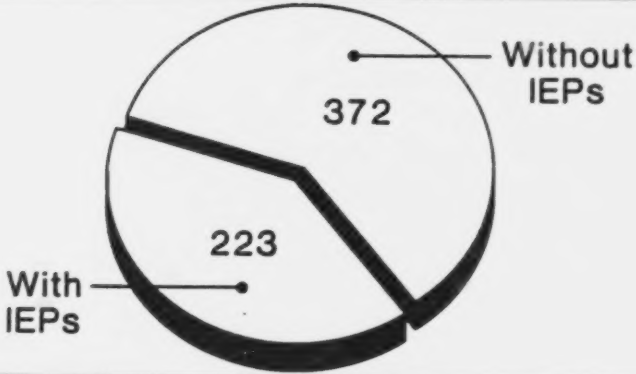
595 Delinquents Identified As Handicapped

In order to receive special education a juvenile must first be tested, diagnosed, and identified as handicapped. Based on our review, we project that 595, not 173, or approximately 46 percent, of the delinquents in 1983 had been identified as handicapped --having either a specific learning disability or a severe emotional disturbance.

We identified these delinquents by reviewing analytical reports of test results contained in the juveniles' files at the Court, YSA, and/or the Public Schools. We did not interpret the test results ourselves; rather, we relied on the analyses prepared by the testers. The testers include professionals from many disciplines, such as clinical psychologists, psychiatrists, and educational psychologists. These professionals are on the staffs of such facilities as the Court's Child Guidance Clinic, Cedar Knoll, and the Public Schools' Logan Child Study Center. The tests they administer include intelligence tests, psychological tests, auditory discrimination tests, and/or certain academic achievement tests. In 42 percent of the cases, there were indications from more than one source, or in more than one file, that the delinquent was learning disabled and/or emotionally disturbed. In none of these cases did we find indications of further assessments that these handicapping conditions did not exist.

GAO

372 of 595 Handicapped Delinquents Did Not Have IEPS



372 of 595 Handicapped Delinquents Did Not Have IEPs

A juvenile who is identified as handicapped must have an Individualized Education Program (IEP) that delineates the specific services required to meet the juvenile's unique needs. According to the Department of Education Regulations and the District's State Plan, without an IEP, a juvenile cannot receive special education or related services, such as psychological counseling. We projected that about 63 percent, or 372, of the 595 handicapped delinquents, did not have an IEP. Conversely, 223, or about 37 percent, of the handicapped delinquents had IEPs.

In each of the following three examples, we found no IEP in the District's records, and no indication that the juvenile did not need an IEP:

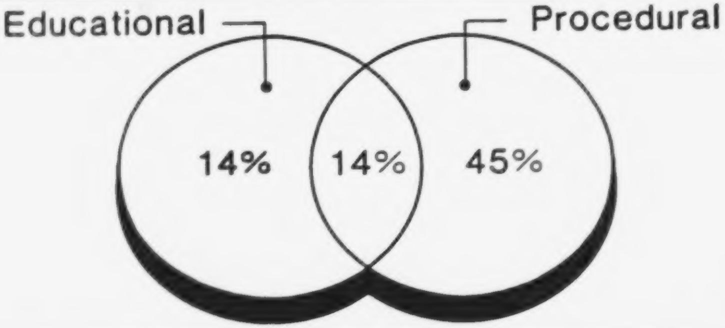
-- a 14-year-old juvenile found guilty of burglary, simple assault, and assault with a deadly weapon was identified as emotionally disturbed and learning disabled by both YSA and the Court. In addition, numerous entities including the Court's Child Guidance Clinic, St. Elizabeths Hospital, and the Cedar Knoll Diagnostic Review Team recommended the development of an IEP for this individual.

-- another 14-year-old found guilty of burglary and placed in immediate Aftercare was identified by the Court as being learning disabled, emotionally disturbed, and having organic brain damage. YSA identified this juvenile as learning disabled and emotionally disturbed. Although the Public Schools did not test this juvenile, they had test results from Howard University Hospital and the Court identifying the juvenile as emotionally disturbed and learning disabled. The evaluation of this juvenile and development of an IEP was begun by the Public Schools, but the re-arrest and return of the juvenile to Oak Hill stopped the process.

-- finally, a 13-year-old was found guilty of burglary and placed on probation, re-arrested and placed at Cedar Knoll. This juvenile was identified by YSA and the Public Schools as being learning disabled and by YSA as emotionally disturbed.

GAO

73% of IEPS Not in Compliance with Educational/Procedural Requirements



73 Percent of IEPs Not in Compliance With Educational and Procedural Requirements

Of the projected 223 IEPs developed by the Public Schools and YSA, about 73 percent did not meet all P.L. 94-142 requirements. In order to be in compliance, each IEP must contain certain educational components. In addition, the law requires that certain procedural requirements be met.

The educational components include: the individual juvenile's present educational level; annual goals and short term instructional objectives; specific services to be provided; timeframes for the initiation and duration of services; and, specific criteria for annually evaluating whether the instructional objectives are being achieved.

The omission from the IEP of any of the specific educational components means that criteria and benchmarks against which to monitor a juvenile's special education are lacking. Thus, the appropriateness of a juvenile's special education and his progress cannot be measured. Fourteen percent of the IEPs were missing the required educational components.

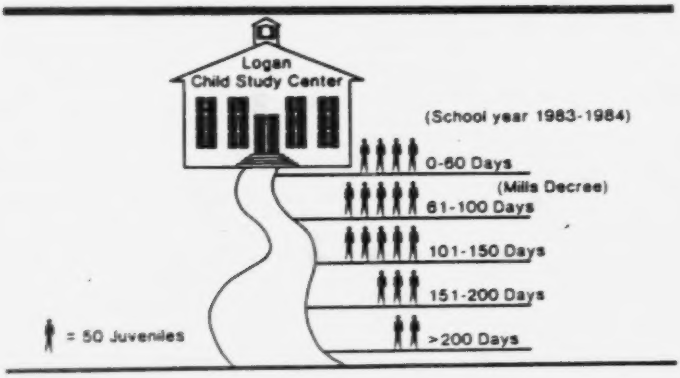
P.L. 94-142 and implementing Department of Education regulations also require that certain procedural requirements be met. These include requirements such as: the participation of certain individuals in the preparation of the IEP, annual review of the IEP, and the right to a hearing regarding the juvenile's placement. The regulations require that the juvenile's parent or guardian, teacher, a representative of the agency providing education, and the juvenile, where appropriate, participate in developing and revising the IEP. Forty-five percent of the IEPs were missing signatures or other evidence that a meeting was held and who attended it.

Furthermore, 14 percent met neither the educational nor procedural requirements.

In addition to our analysis of the files, District and Court officials gave us their opinions about problems with IEPs. Problems cited were that IEPs were not written to meet a juvenile's specific needs, or that IEPs were written to require only those services which the facility could provide, rather than to the juvenile's individual needs.

GAO

Elapsed Days for Assessment, IEP Development, and Placement



Elapsed Days for Assessment, IEP Development, and Placement at Logan Child Study Center (School Year 1983-84)

The Logan Child Study Center is the Public Schools' central facility that performs assessments for juveniles suspected of being handicapped, develops IEPs, and arranges placement. The Center receives referrals from various sources, including the Public Schools' four administrative regions, and YSA. Juvenile delinquents committed to YSA custody who need assessment and IEP development may be referred to the Center.

The "Mills Decree" requires that assessment, IEP development, and placement of handicapped juveniles be completed within a maximum of 60 calendar days from the date of referral. The "Mills" requirement is the result of a 1972 U.S. District Court Case, Mills v. Board of Education of the District of Columbia. While the Public Schools requested relief from the Court in 1980, it has not been granted, and the 60-day requirement remains.

We analysed the length of time it took the Center to complete cases for school year 1983-84, the most recent year for which complete data was available. That year, the Center handled 920 cases, but failed to meet the "Mills" requirement in 727, or approximately 79 percent of its caseload. The average number of days it took to place a juvenile in school year 1983-84 was 117. Of the cases that took longer than 60 days, most often it took the Center between 101 and 150 days. In addition, in 119 cases, or approximately 13 percent, it took more than 200 days to assess the juveniles, develop their IEPs, and place them.

The Center's Director gave us several reasons for the delay. First, cases referred by the Public Schools' four administrative regions often exceed the calendar day limit before they are referred to the Center. Second, a juvenile sometimes becomes hospitalized or otherwise unavailable to test or place, and third, there is a shortage of staff. Finally, most staff at the Center work under the Teachers Union contract and, therefore, work shortened hours in the summer and only 6-hour days during the school year. The effect is that hundreds of juveniles are not being educationally assessed and placed in the required timeframe.

GAO No Special Education at YSA Facilities

- Of the projected 595 handicapped delinquents:
  - 182 were placed at Oak Hill
  - 286 were placed at Cedar Knoll
- 10 of 18 handicapped delinquents in contracted residential facilities did not receive special education

No Special Education at YSA Facilities

Three public facilities operated by YSA--Oak Hill, Cedar Knoll, and the Receiving Home for Children --do not provide special education to handicapped delinquents. Consequently, of the projected 595 handicapped delinquents, none of the 182 placed at Oak Hill or the 286 placed at Cedar Knoll at some time or another received special education. The average stay for a delinquent is nine months at Oak Hill and four months at Cedar Knoll. The maximum stay for a juvenile at the Receiving Home for Children is 45 days.

Oak Hill does not provide special education. Handicapped delinquents attend regular education classes. In addition, class formation is based on assignment to residential cottages, not on a delinquent's educational level. As a result, Oak Hill classes consist of delinquents who vary in age, ability, and behavior. Students in any one class read at levels ranging from the second to the eleventh grade.

The YSA Administrator told us Cedar Knoll did not provide special education and has been in the process of closing since 1983. The school at Cedar Knoll has been closed since July 1985, and delinquents are now bused to Oak Hill for summer school. In addition, the Receiving Home for Children did not provide special education. In fact, even regular education at the Receiving Home was limited. For example, education was not consistently provided between November 1984, and April 1985.

We also visited five contracted residential facilities where 18 handicapped delinquents in our sample were placed. At the time of our visit, ten handicapped delinquents at three of these facilities were not receiving special education. This is because the Board of Education does not ensure that handicapped delinquents placed in contracted residential facilities receive needed special education.

YSA is developing new programs to identify and educate handicapped delinquents at Oak Hill and the Receiving Home for Children. These programs will not be fully implemented until September 1985. However, we have the following observations to make about these programs:

-- First, we are concerned because YSA programs still would not meet Public School special education standards, such as teacher certification. The

Department of Education interprets P.L. 94-142 to require YSA teachers to meet D.C. Public School teacher certification standards.

-- Second, if YSA develops its own self-contained system at Oak Hill to test, identify handicapped delinquents, and prepare IEPs, they will likely be performing functions that are already being performed by the Public Schools for the majority of the handicapped juveniles in the District.

GAO

YSA Teachers Lack D.C. Certification

- Most Oak Hill and Cedar Knoll teachers were not certified to teach by the District of Columbia
- None of the Oak Hill and Cedar Knoll teachers were certified to teach special education by the District of Columbia

YSA Teachers Lack D.C. Certification

P.L. 94-142 requires educational programs for handicapped juveniles administered by other public agencies, such as YSA, to meet the education standards of the State Educational Agency (SEA). The District's SEA, the Board of Education, requires that the Public Schools' special education teachers be certified by the Board to teach special education. However, YSA policies do not require Board certification of its teachers. The U.S. Department of Education, in their monitoring report based on their 1983 review, found (1) that teachers in other District agencies did not meet the certification standards of the Public Schools, and (2) stated that the Public Schools must ensure that all Public School standards are met by other District agencies.

We found that, as of April 1, 1985, 10 of the 14 teachers at Oak Hill and Cedar Knoll were not certified by the D.C. Board of Education to teach any subject. In addition, none of the 14 teachers were certified by the Board to teach special education. In May 1985, ten of Cedar Knoll's education staff, including eight teachers, graduated from a local college's Masters of Special Education Extension Program. However, according to the Chief of the Education and Certification Branch of the Maryland Department of Education, this Program was never accredited.

GAO Testing Issues at YSA Facilities

- Public school standards for determining eligibility not being followed
- YSA did not identify certain handicapped delinquents
- Educational testing conducted by private contractor

Testing Issues at YSA Facilities

In the past YSA personnel tested some of the delinquents committed to YSA facilities. YSA had no criteria for determining eligibility or standards for identifying handicapped delinquents and did not follow Public School's standards.

In a report on a 1985 monitoring visit Public Schools said that Oak Hill and Cedar Knoll had no criteria to determine which delinquents were handicapped and in need of special education. The report said that "evidence was found to indicate that 32 students were handicapped and in need of special education." However, Oak Hill had identified "only 17" of these individuals. In addition, in October 1984, the U.S. Department of Education, found the District in violation of P.L. 94-142 because the Public School's standards for determining eligibility for special education services were not used in other agencies.

YSA stopped testing delinquents at Cedar Knoll in May 1984 because that facility was scheduled to be closed. According to the YSA Administrator, no one at Oak Hill had been identifying delinquents as handicapped because Oak Hill had no diagnostician. In February 1985, a private contractor began providing educational diagnostic testing at Oak Hill. This is the only testing activity employed by YSA.

GAO Public Schools' Monitoring Not Adequate

- State Plan requires public schools to monitor program effectiveness
- Public schools' monitoring had not acknowledged need for improved identification and special education until 1985
- Public schools do not monitor contracted residential facilities

Public Schools' Monitoring Not Adequate

P.L. 94-142 requires the Board of Education to ensure that handicapped juveniles have available to them a free appropriate public education which includes special education to meet their unique needs. In meeting this responsibility, the District's State Plan states that the Public Schools will evaluate, at least annually, the effectiveness of programs in meeting the educational needs of handicapped juveniles, including evaluation of IEPs. The Public Schools monitored YSA public facilities, but not contracted residential facilities where handicapped delinquents are placed.

The Public Schools monitored Cedar Knoll and Oak Hill in 1982, 1983, and 1985. The 1982 and 1983 monitoring reports indicated problems, such as incomplete IEPs. Although similar problems were noted in the May 6, 1985, report, more detail regarding handicapped delinquents not being identified and not receiving special education at these facilities was provided. This monitoring report also required more specific corrective actions for Oak Hill, but not Cedar Knoll because it is closing. For Oak Hill, the Public Schools has requested the Department of Human Services (DHS) to develop procedures and guidelines to ensure that all handicapped delinquents are identified and assessed to determine their need for special education and related services. Also DHS must submit to the Public Schools a plan to ensure the provision of a free and appropriate education program for all handicapped juveniles. The Public Schools did not monitor the Receiving Home for Children until 1985, after we informed them of the initiation of education programs at this facility as of April 1, 1985.

In our opinion, this lack of timely acknowledgement of these specific problems and appropriate action has contributed to handicapped delinquents receiving no special education at these facilities.

The Public Schools have not monitored contracted residential facilities where handicapped delinquents are placed. Therefore, no monitoring regarding P.L. 94-142 is taking place at these facilities. In our opinion, Public Schools monitoring at these facilities is important in order to provide Public Schools with knowledge of programs available, quality of programs, and proper enrollment of handicapped delinquents in these programs. In an attempt to resolve this issue, DHS and the Public Schools have developed draft "Procedures and Guidelines Regarding the Referral, Placement, and Monitoring of Children and Youth in Residential Treatment Facilities," but as of August 21, 1985, these procedures were not adopted. If adopted and applied, this proposed approach for joint monitoring would address the current lack of monitoring at those contracted facilities where District handicapped delinquents are placed.

GAO

YSA Follow-up Services to Delinquents Need Improvement

- 214 of the projected 595 handicapped delinquents have been in YSA aftercare at some time
- Reintegration of delinquents into community is not viewed as successful
- Staff qualifications need improvement

YSA Follow-Up Services to Delinquents Need Improvement

Of our projected 595 handicapped delinquents, 214, or approximately 36 percent, have been in Aftercare at some time or another. A delinquent is in the Aftercare program after being released from Oak Hill, Cedar Knoll, or a contracted residential facility, but before the YSA commitment ends. Alternatively, a delinquent can be placed in immediate Aftercare by the Court.

Although the Aftercare program's objective is to reintegrate the delinquent into the community, several persons were of the opinion that this is not being successfully accomplished. One Superior Court Judge stated that Aftercare is "disgraceful," that a delinquent "just drops off" and receives no help or guidance from the Aftercare worker, and that the Judge has never known a delinquent in Aftercare to be placed in an appropriate educational program. Another Superior Court Judge stated that there is no formal planning for the post-release period when a delinquent is released from a YSA residential facility.

In addition, the Director of one contracted residential facility, who, in discussing follow-up of delinquents his school releases, told us that "residential treatment is the end of the line." The Director stated that upon release, delinquents are just "dropped . . . instead of being worked back into the [community]." For example, when a delinquent is released from a contracted residential facility, a release plan similar to a contract is prepared. However, this information is not routinely forwarded to the Public Schools, and is given to parents only if they request it.

Furthermore, a supervisor of Aftercare social workers told us that social workers do not enroll the delinquent back into school, unless they are requested to do so by the parents. However, they do check on the delinquent's attendance while in Aftercare status. In addition, they told us that they do not know which delinquents are handicapped and therefore cannot assist these individuals in receiving services.

YSA officials in charge of Aftercare told us that their staffs are not qualified as social workers. In their opinion, the staff should be required to have a Masters Degree in Social Work. However, only one worker in Aftercare has such a degree. Six workers have degrees other than Masters of Social Work, and seven have no college degree at all.

GAO

Improved Coordination and Information Exchange Is Crucial

- Single focal point necessary at each of the three D.C. entities
- Information on juveniles must be exchanged
- YSA tracking system under development

Improved Coordination and Information Exchange is Crucial

There was no focal point for coordination and information exchange among the Public Schools, the Courts, and YSA. In addition, these entities do not have an interagency delinquent tracking system. This lack of coordination, which has been identified as a problem as far back as 1966, in a report by the President's Commission on Crime in the District of Columbia, affects the appropriate identification, placement and education of District handicapped delinquents.

YSA, Court, and Public School officials stated that formal coordination and informal communication among the three entities is not adequate. YSA and Court officials do not know whom to contact at the schools for information. Public School officials say they do not receive information from YSA and are not routinely notified by the Court in a timely manner if a juvenile is arrested. This lack of notification has sometimes resulted in the Public Schools marking delinquents as truant and not recognizing their attendance in classes at other facilities.

Due to this lack of coordination, test results and IEPs are not transferred as a juvenile moves from the Public Schools to the Court, to YSA, and back to the Public Schools. As a result, psychological or educational testing conducted by one entity may never be communicated to the other two. For example, the Court did not have test results from the Public Schools for approximately 79 percent of the delinquents we tracked; YSA did not have test results from the Public Schools for approximately 81 percent; and the Public Schools did not have test results from the Court for approximately 82 percent. In addition, IEPs are not consistently transferred from one entity to another. For example:

-- a 15-year-old delinquent found guilty on a narcotics charge was placed in immediate Aftercare and later at Oak Hill. The Public Schools file contained an IEP for this delinquent, however, the Oak Hill file did not contain this IEP. As a result, Oak Hill did not know what services were required to meet this handicapped delinquent's unique needs.

We also found that handicapped delinquents are not systematically tracked as they flow through the District system. In fact, none of the three entities could provide a complete list of all D.C. handicapped delinquents. For example, the Courts could state who was a delinquent, but they did not know who was handicapped, the Public Schools did not know who was a handicapped delinquent, and YSA did not know all those delinquents in its custody who were handicapped. YSA is developing a computer tracking system only for detained and committed juveniles in its custody. Although the development of YSA's system is a step in the right direction, this new system will not track delinquents through the District system because all three entities are not involved.

GAO Conclusions

- D.C. is not meeting its commitments under P.L. 94-142
- Systemic problems need to be addressed
- Inaction will result in continued denial of special education

Conclusions

Under P.L. 94-142, assistance to states is conditioned on assurances that all handicapped juveniles, including delinquents, will be identified and receive services to meet their unique needs. The District is not meeting its commitments under P.L. 94-142 as it relates to handicapped delinquents. All handicapped delinquents are not being identified as such, are not having IEPs written for them, and are not receiving the special education services they have been identified as needing, and are entitled to, under the law.

We recognize that many problems exist in identifying and educating delinquents, and that solving these problems will not be an easy or short-term endeavor. The District can, however, begin to take steps to improve coordination, information exchange, program monitoring, uniformity of standards, and accountability.

As stated earlier, implementation of P.L. 94-142 is the responsibility of the Board of Education, as the State Educational Agency (SEA) in the District. To ensure compliance, the Board must work effectively with YSA and the Court. In the past, the success of these independent entities at working together has been minimal. Unless a workable system is developed to identify and educate handicapped delinquents, new programs will have little chance to succeed, and special education for handicapped delinquents will not be available to all those entitled to it.

GAO

Recommendations
Board of Education

Assessment/Placement	Meet 60 day time limit
Testing/IEPs	Perform for all YSA juveniles
Services	Ensure handicapped receive special education, provide services YSA cannot
Monitoring	Conduct at YSA facilities
Coordination	Designate liaison, exchange information

RECOMMENDATIONS

The Board of Education should direct the Superintendent of the D.C. Public Schools to:

- Work toward reducing the time necessary for assessment, IEP development, and placement of handicapped delinquents with the goal of ultimately adhering to the "Mills" decree's 60-day requirement. As a first step, the Superintendent should emphasize to all staff the need for timely referral for testing and assessment of all juveniles for whom the need for such services is indicated.

- Test YSA delinquents with suspected handicapping conditions and develop IEPs. In addition, the Superintendent should assure, through monitoring, that YSA and the Public Schools are referring all juveniles for testing who need to be tested and that the Public Schools are developing complete IEPs.

- Monitor handicapped delinquents in the custody of YSA to ensure they receive at least the same services to which handicapped juveniles in the Public School system are entitled. Also, to ensure that appropriate contracted residential facilities are selected as placements for handicapped delinquents, the Public Schools should ascertain what programs are available at residential facilities with which the District contracts, notify the Court of the type of delinquent each facility is capable of serving, and periodically ascertain whether the programs have changed.

- Monitor YSA's contracted residential facilities for compliance with P.L. 94-142. In addition, the D.C. Public Schools should monitor the educational program quality at these facilities as well as at YSA's public residential facilities. This monitoring effort should assure that required services in IEPs are being provided by these facilities.

- Designate a Public School liaison to coordinate and exchange records such as IEPs, test results, and educational histories, with YSA and the Court.

- Develop written procedures and establish specific criteria for forwarding information to YSA and the Court, regarding Court or YSA detained juveniles.

- Provide, where YSA cannot, educational and related services which are included in a handicapped delinquent's IEP.

GAO Recommendations Mayor of the District of Columbia

Testing/IEPs	Transfer to public schools
Services	Provide services required by IEP Notify public schools if can't provide Establish special education programs
Coordination	Designate liaison, exchange information
Standards	Follow all public schools standards
Follow-up Services	Evaluate/correct problems

The Mayor of the District of Columbia should direct the Department of Human Services' Youth Services Administration to:

- °Transfer to the Public Schools the responsibility for testing suspected handicapped delinquents and preparing all necessary IEPs.
- °Designate a YSA liaison responsible for notifying the Public Schools that YSA is releasing a delinquent, who will be returning to school. This liaison should also coordinate and exchange records such as IEPs, test results, and educational histories, with the Public Schools and the Court.
- °Develop written procedures and establish specific criteria for forwarding information to the Court and the Public Schools, once notified by the Court that a juvenile is being detained, or has re-entered the school system.
- °Emphasize the need to follow D.C. Public School policies, procedures, and standards for special education, including standards for teacher certification and class size.
- °Provide all educational and related services which are required by a delinquent's IEP, and notify the Public Schools of the required services that YSA cannot provide.
- °Establish a special education program for handicapped delinquents at Oak Hill, Cedar Knoll and the Receiving Home for Children, and form classes based on academic level.
- °Evaluate follow-up services provided to delinquents after release from YSA custody and correct any administrative, management, and procedural problems identified.

GAO Recommendation
D.C. Superior Court

Coordination	Designate liaison Exchange information

The D.C. Superior Court should:

- Designate a Court liaison responsible for notifying the Public Schools that the Court is detaining a juvenile, who, therefore, cannot attend regular school classes. This liaison should also coordinate and exchange records such as test results, and educational or family histories, with the Public Schools and YSA.
- Develop written procedures and establish criteria for the Court liaison to forward to YSA and the Public Schools, as appropriate, information available regarding a delinquent, once an individual is placed in YSA's custody or has re-entered the school system.

GAO Recommendation
U.S. Department of Education

P.L. 94-142	Provide oversight and assistance

The Secretary of the U.S. Department of Education, should:

- Provide the necessary oversight and assistance to bring the District into compliance with P.L. 94-142 as it relates to handicapped delinquents.

SCOPE AND METHODOLOGY

Our findings and conclusions are based on work at the D.C. Superior Court (Court), the Department of Human Services, Youth Services Administration (YSA), the D.C. Public Schools (Public Schools), and private residential facilities under contract with the District. We also interviewed officials at the U.S. Department of Education as well as representatives of advocacy groups and local jurisdictions surrounding the District of Columbia. In addition, we reviewed federal legislation and regulations and District of Columbia policies related to the identification, placement, and education of District of Columbia delinquents. Our fieldwork was done between August 1984 and August 1985.

The review included delinquents who received a consent decree or were adjudicated by the Court in calendar year 1983, the most recent year for which complete data were available. According to Court records, this involved 1,509 cases, representing 1,287 delinquents.

Using a standardized data collection instrument (DCI), we collected data from case files available at the Public Schools, YSA, and the Court. Our goal was to review the case files of all "handicapped" delinquents and a random sample of the remaining case files. No one agency, however, was able to specify who in our universe was handicapped. We, therefore, had to construct our own "list." To do this, we reviewed school year 1982-83 Public School records of juveniles identified as handicapped and submitted to the U.S. Department of Education. Additionally, from YSA sources, we identified those delinquents in our universe who had an Individualized Education Program (IEP) prepared at one time or another during the 1980-84 period, thus indicating that the delinquent had been identified handicapped at one time. Finally, using criteria provided by YSA, we determined who in our universe had been assigned to private residential facilities as of December 13, 1984 and were handicapped. From this process, we determined that 173 delinquents in our universe could be identified as handicapped for purposes of P.L. 94-142.

Of the remaining delinquents in our universe, we used statistical sampling techniques to randomly select a sample for detailed case file review. We selected our sample using a statistical formula that considered the size of the universe, a 95 percent confidence level, and a 5 percent sampling error. Based on this formula, we selected a sample of 285 to give us the desired degree of confidence with 5 percent precision.

From the Courts, Public Schools, and YSA we were able to obtain at least one file for all 173 delinquents identified as handicapped in our universe. For three delinquents in our sample population of 285 delinquents, however, we were not able to obtain case files at any location. Furthermore, we were not successful in obtaining all the files requested for either the handicapped or non-handicapped samples. Table I.1 summarizes the number of files reviewed at each location.

Table I.1
Case Files Reviewed
by GAO at Each Agency

	Court	YSA	Public Schools	At least One location	Desired Sample
Handicapped	166	79	162	173	173
Non-handicapped	265	61	230	281	285
Total	431	140	392	454	458

SAMPLING ERRORS

Because only a portion of the universe has been selected for analysis, each estimate developed from a sample has a measurable precision, or sampling error. The particular sample we selected from the non-handicapped population is only one of a large number of samples of equal size and design which could have been selected. Each of these samples would produce a different value for most characteristics being estimated. An estimate's sampling error measures the variability among the estimates obtained from all the possible samples. It is, thus, a measure of the precision or reliability with which an estimate from a particular sample approximates the results of a complete census. From the sample estimate, together with an estimate of its sampling error, interval estimates can be constructed with prescribed confidence that the interval includes the average result of all possible samples.

For example, we found that 108, or 38.4 percent, of the delinquents in our sample had identified handicaps as a result of testing but there was no evidence that they had been acknowledged as such for purposes of P.L. 94-142. Our sampling procedure was designed so that we had a 95-percent chance of producing a set of limits that encloses the true percentage of unidentified delinquents. Our goal was to arrive at a set of limits that would be within 5 percent of our sample estimate. Using a sampling error formula with a 95-percent confidence level, we found that the percentage of unidentified delinquents had an actual sample error of 4.9 percent. Thus, although we do not know if the true percentage of unidentified delinquents actually falls within the limits computed (38.4 percent plus or minus 4.9 percent), we may state that there was a 95 percent chance that our sample is one whose limits will include the true percentage. By applying the percentages to the universe, we can "project" or estimate that 422 delinquents had handicaps that were not acknowledged according to P.L. 94-142 requirements. The 95-percent confidence limits would be approximately 368 to 476. There is a 95-percent chance that these limits will include the true number of unidentified delinquents.

Upper and lower limits for all estimates are presented in Table I.2. Some of our projections take into consideration our handicapped population and, since this was a 100 percent sample, our confidence interval will actually be smaller than the plus or minus 5 percent goal we set out to achieve. By the same token, some of our estimates are based on subpopulations of our sample and, thus, may have sample errors slightly larger than our 5 percent goal.

Table I.2

Confidence Limits For Universe Estimates

Description	Universe Estimate	Confidence Interval (95 percent) Lower Limit	Confidence Interval (95 percent) Upper Limit
Handicapped delinquents in the total universe	595	541	649
Handicapped delinquents not acknowledged as such	422	368	476
Handicapped delinquents with IEPs	223	194	252
Handicapped delinquents without IEPs	372	321	423
Handicapped delinquents placed at Oak Hill	182	148	216
Handicapped delinquents placed at Cedar Knoll	286	244	328
Handicapped delinquents who have been in YSA aftercare	214	177	251
Percent IEPs not meeting all P.L. 94-142 requirements	73	61	86
Percent IEPs missing required signatures	59	48	70
Percent IEPs missing both educational and procedural requirements	14	9	17
Percent IEPs missing educational requirements	28	22	35

Mr. **Fauntroy**. Thank you so very much, Mr. Salvemini, for giving us the results of a most exhaustive study by the GAO, a very sobering analysis of what we are not doing in this area, and some very relevant recommendations for what a number of agencies in the Nation's Capital ought to be doing to remedy this situation.

I wonder if you'd share with us, first, just how long has a lack of coordination between the YSA and the public schools existed?

Mr. **Salvemini**. We have documented, a lack of coordination between YSA and the public schools through the audit, as far back as 1979. And from further checking we found that the President's Commission on Crime in the District of Columbia stated, as far back as 1966, a lack of coordination and information exchange has existed among the District entities.

Mr. **Fauntroy**. You've indicated that the District handicapped delinquents at the contracted residential facilities did not receive any special education.

Will you please provide more information to us on this situation?

Mr. **Salvemini**. Yes, sir; we visited several contracted residential facilities in which handicapped juvenile delinquents from the District were being held that came up in our sample. We found that although some of these contracted residential facilities had special education programs, the handicapped juveniles from the District were not in those programs, although they were at those facilities.

Now, I'll use for an example Glen Mills schools in Pennsylvania. Five of the handicapped juveniles in our sample were sent to Glen Mills. Glen Mills has a special education program. None of the five handicapped delinquents that were identified by District officials as being handicapped were in Glen Mills special education program.

Mr. **Fauntroy**. But why?

Mr. **Salvemini**. When we discussed this with the Glen Mills people, they stated that their policy is to administer a test called the Metropolitan Achievement Test. They require juveniles to fall below the fourth grade reading or math level on their Metropolitan Achievement Test. Our five kids did not fall below it. And Glen Mills stated that as far as they were concerned they were not handicapped and should not be in the special education program.

Now, no one knew that in the District because District officials never went out to Glen Mills to find out whether or not those five handicapped delinquents, who they themselves had determined to be handicapped under their standards, were placed in the education program, the special education program.

Mr. **Fauntroy**. Mr. McKinney.

Mr. **McKinney**. Just briefly on this contracted residence. What is the cost to the District, roughly, in an average per student?

Mr. **Dodaro**. The average cost at Glen Mills is about $25,000 per student.

Mr. **McKinney**. $25,000 a year?

Mr. **Dodaro**. That is right. Per child.

Mr. **McKinney**. Per child.

Mr. **Fauntroy**. All right.

You talked, as well, with court officials.

Mr. **Salvemini**. Yes, sir.

Mr. **Fauntroy**. You indicated who had problems with the IEP's. Were these judges or were they social service employees?

Mr. **Salvemini**. The court officials we spoke to were judges. They were judges who had the files of the IEP's. We also, in addition, spoke to several other people, sir.

The Oak Hill IEP coordinator had major problems with the IEP's.

We also spoke with officials of the private residential facilities. They had major problems with the IEP's. One of them, for example, stated that he never saw an IEP for any District juvenile delinquent that was handicapped and sent to his facility.

Mr. **Fauntroy**. You suggested that both the public schools and YSA use different standards for determining whether a child is eligible for special education.

Can you explain those different standards for us?

Mr. **Salvemini**. Yes. The public schools' standards that are being used are Public Law 94-142 requirements and the implementing regulations in defining a handicapping condition for eligibility for special education.

But YSA does not have any standards or criteria for eligibility. And they have decided not to follow the public schools' standards. Their feelings are that they would rather adopt or follow the standards of the American Correctional Association, which are not the same as Public Law 94-142.

Mr. **Fauntroy**. Mr. McKinney, will you ask some questions?

Mr. **McKinney**. Mr. Chairman, feel free to interrupt at any time. I have quite a few.

Just generally, before we start on the specific questions, is this pretty much a national problem? Does GAO have any statistics on how we relate, say, nationally?

Mr. **Dodaro**. Congressman, we, GAO, has not really evaluated this problem at the national level. Our work here primarily was concerned with the District. In the course of our discussions, though, with the U.S. Department of Education officials, they have indicated that it is a national issue. But we do not have any statistics on it.

Mr. **McKinney**. Now, Mr. Chairman, it seems to me that the chairman has to leave to talk to Senator Kennedy about apartheid, as one of the original cosponsors of the sanctions bill. I can only say, it seems to me we have apartheid against handicapped children.

And, well, anyway, let's move on to the questions.

You say accounts of the—you say this administration of children whose files you reviewed are repeat offenders who go back again and again to Cedar Knoll and Oak Hill. Do you have any statistics on that?

Mr. **Dodaro**. We don't have any statistics that say specifically how many times they were at Cedar Knoll or at Oak Hill. But we do know that about 57 percent of the handicapped offenders were adjudicated more than one time. And we do know that the handicapped delinquents who were arrested in 1983, 83 percent had been arrested between 2 and 10 times, and 4 percent had been arrested between 11 and 37 times.

Mr. **McKinney**. In relation to page 25 of your statement, were there any juveniles identified differently by public schools and YSA because YSA has no criteria?

Mr. **Salvemini**. Yes, there were. We specifically found 71 handicapped juvenile delinquents identified differently by the public schools and YSA.

Mr. **McKinney**. Well, this is part of the record. I already asked you this question. How many months of the year does the Logan Child Center operate? Those persons working shortened hours under the Teachers Union contract, are they teachers or other types of staff?

Mr. **Dodaro**. Congressman, the center is open year round. But most of the staff, staff that develop IEP's, which would include special education teachers and social workers, work 10 months, according to the Teachers Union contract, which would be 10 months at 6 hours a day.

Mr. **McKinney**. In other words, you have people operating at the Logan Center who are not teachers but are living up to the same rules as the teachers' contract?

Mr. **Salvemini**. Yes; some of them are not teachers, yet they do live up to the Teachers Union contract.

Mr. **McKinney**. Why doesn't the public schools system monitor contracted facilities in other regions of the country? Is this a violation of Public Law 94-142?

Mr. **Salvemini**. The public schools do not monitor because they believe it's DHS's responsibility for the monitoring. DHS believes it's public schools.

It's in violation of Public Law 94-142.

Mr. **McKinney**. To your knowledge did they ever talk about who's doing what to whom, or why, or how?

Mr. **Dodaro**. No, sir. Well, they do have, Congressman, as we pointed out, some draft monitoring procedures that they're attempting to work out. And, as far as we can tell, they've been under development for 2 years now and they still haven't been finalized.

Mr. **McKinney**. You mean, in other words, the public facility outside of the District of Columbia, outside of the jurisdiction of the District of Columbia, will have a child incarcerated for about $25,000 and nobody has decided to go look at the place?

Mr. **Dodaro**. As far as we know, they have made certain visits to some of these facilities. But when they do go there they do not do program monitoring.

Mr. **McKinney**. What reason do they give you for not going to others?

Mr. **Salvemini**. Well, in certain instances, we've been told by the head of the monitoring team unit that there's an unofficial policy in the District not to monitor anything outside of a 15-mile radius of the District.

Mr. **McKinney**. Fifteen miles outside of the District.

What is the average case load for an aftercare worker?

Mr. **Dodaro**. According to some of the statistics that we have, it's about 25 cases.

Mr. McKinney. What are the qualifications of aftercare one and aftercare two workers? And what is the difference between one and two?

Mr. Salvemini. There is no difference in the staff qualifications. There are procedural differences between aftercare one and two.

For example, aftercare one takes juveniles from Oak Hill and Cedar Knoll, while aftercare two takes juvenile delinquents that were in group homes as their kids.

The qualifications that we found were that one worker has a master's of social work, two supervisors have master's of social work, six workers have degrees in other than social work, in other disciplines, and seven have absolutely no degrees at all.

Mr. McKinney. No degree at all.

Mr. Salvemini. No, sir. High school degrees, no college degrees.

Mr. McKinney. That's not a degree. I wish it were, I could have saved a lot of money.

In relation to page 25 of your statement, who is the private contractor and what are their qualifications?

Mr. Dodaro. The private contractor is Educational Support Services. In terms of their qualifications, we really haven't addressed that in the scope of our work.

We have requested certain information about the contract between the District and this contractor, but so far have been unable to obtain any information.

Mr. McKinney. In other words, the GAO, the investigative arm of the Congress of the United States, has requested details of the contract being paid for by public funds, and you have not received that information?

Mr. Salvemini. Yes, sir; that's correct.

Mr. McKinney. Do you know what the contract amount is?

Mr. Salvemini. No, sir; we have no knowledge of it since we haven't received the contract.

Mr. McKinney. So, in other words, once again, you don't even have the information as to how much of the public's funds are being paid to this contractor?

Mr. Salvemini. That's correct, sir.

Mr. McKinney. Do you have any specifics at all about this contract?

Mr. Salvemini. No, sir; we do not.

Mr. Dodaro. No, sir.

Mr. McKinney. What college did YSA contract with for the master's program in special education? I guess you could answer the whole bunch. Was that program ever accredited to teach special education as an extension program? How much did it cost? And has it been paid?

Mr. Dodaro. The local university was Bowie State.

Mr. McKinney. Bowie State. Where is that?

Mr. Dodaro. It's located in Bowie, MD.

According to the chief of the education and certification branch of the Maryland Department of Education, the extension program was not an accredited program.

Mr. McKinney. Would you explain, if you can, what, quote, unquote, is meant by extension program? There are all kinds of extension programs. You can take one in carpentry by mail.

Mr. **Salvemini**. The extension program, which YSA paid $48,471 for, was a program in which teachers from Bowie went out to Cedar Knoll and conducted the classes at the Cedar Knoll Detention Center in Laurel. That is the extension program, as opposed to the program being at the campus in Bowie, in which there are facilities, such as, library facilities, technical laboratories, facilities in which students have available to them resources to expand their education.

And when we spoke to the State of Maryland folks, we found that Bowie had never been accredited to administer any type of extension program in the State of Maryland.

Mr. **McKinney**. So, in other words, we pay $28,400 for a program that wasn't accredited.

Do you have any idea how often that college came out to hold these classes.

Mr. **Salvemini**. For the record, it was $48,000, sir.

Mr. **McKinney**. $48,000. Excuse me.

Mr. **Salvemini**. But it lasted about 2 years. They came back and forth for about 2 years of programs.

Mr. **McKinney**. How often? Do you have any idea?

Mr. **Dodaro**. It's a 36-hour program.

Mr. **McKinney**. Thirty-six hours.

Mr. **Dodaro**. Right. And it was administered at the Cedar Knoll facility.

Mr. **McKinney**. Cedar Knoll.

Are you aware of any allegations being made regarding services being erased from IEP's by the staff of the public schools system?

Mr. **Salvemini**. According to the State advisory panel on special education, in February of this year, they received reports that services were being erased by District of Columbia public schools staff.

They sent a letter to the public schools and asked them to explain this. Some correspondence went back and forth. The schools asked for more information. And the State advisory panel sent more information.

But as of at least mid-July of this year the schools had not answered or responded to the report of the State advisory panel.

Mr. **Dodaro**. Right. And just for the record, Mr. Chairman, we did not notice any of that particular problem in our review because we looked at Xeroxed copies.

Mr. **McKinney**. I asked the GAO to make sure that each individual D.C. agency was made aware of a GAO recommendation before these hearings took place. When was that done?

Mr. **Dodaro**. That was done first in July. We met with each of the officials and summarized our findings to them and outlined the recommendations that we were proposing. And, then, again, we met with them late last month, to determine whether or not they had started any corrective actions, of which——

Mr. **McKinney**. Well, that would be—that would be the perfect, fair place for me to ask you, then, what was each agency's response to your recommendations?

Mr. **Salvemini**. Specifically, with the public schools, the August meeting, we met with the superintendent and the president of the board. And the schools seemed to have already started trying to implement our recommendations.

They're planning to put into effect a computerized tracking system for the Logan Child Study Center. They're discussing the possibility of staff at Logan working a 12-month year instead of a 10-month year. They're talking about a new, comprehensive student tracking system in process so that files would not be lost.

They're developing new State guidelines for monitoring. And this should be completed next month in October.

The committee on special education of the board is taking a more active role of oversight of the administration. And the schools felt it was necessary to get their own house in order before they decided to contact DHS.

Mr. **McKinney**. Skipping past DHS to YSA, what has been their response?

Mr. **Salvemini**. When we met with Mr. Rivers, he agreed with all the recommendations. He stated that although YSA wants to keep the testing function to themselves, with what he has seen he believes it should be transferred to the schools.

He did note to us, however, that most of his people had been on vacation for the last 3 weeks, so no changes had been implemented.

And, last, he stated to us that the city administrator will be getting together with the public schools.

Mr. **McKinney**. In the course of your investigations did any agency withhold any relevant information, documents, or material? I'd like specific information—agencies, the date that you requested information, the kind of information, and any reasons that were given for not complying with your request.

Now, you may not be able to do all of this verbally, but whatever you can, do verbally.

And then I would like, Mr. Chairman, to ask unanimous consent that a printed report be put in the record.

Mr. **Fauntroy**. Without objection, so ordered.

[The report follows:]

DOCUMENTS/INFORMATION REQUESTED AND NOT RECEIVED FROM DHS/YSA

April 18, 1985	Budget information on YSA for fiscal year 1984, specifically, total YSA appropriated, Chapter 1, social service block grant, and other federal monies. **Requested orally by phone of Ms. Patricia Quann, Administrator, YSA, by Ms. Hilary Stephenson.**
May 29, 1985	Contracts between YSA and ESS. **Requested orally of Ms. Patricia Quann by Mr. Anthony Salvemini in the presence of Ms. Andrea Brown and Ms. Debra DelVecchio.**
July 11, 1985	All moniotirng reports or special studies on Oak Hill, Cedar Knoll, or the Receiving Home for Children, which have been prepared since 1980, including such reports prepared by internal DHS staff, external contractors, or interest groups. **Requested orally by phone of Ms. Patrica Quann by Mr. Anthony Salvemini.**
July 22, 1985	Same documents as on July 11, 1985. **Requested orally of Mr. David Rivers, by Mr. Anthony Salvemini in the presence of Mr. Gene Dodaro.**
August 16, 1985	Same documents as on July 11, 1985. **Requested in writing of Mr. David Rivers, with a carbon copy to Ms. Patricia Quann, by Mr. Anthony Salvemini.**

August 29, 1985	Same documents as on July 11, 1985. **Requested orally of Mr. David Rivers by Mr. Anthony Salvemini in the presence of Ms. Alisa Reff.**
August 29, 1985 and September 4, 1985	Same documents as on July 11, 1985. **Requested orally by phone of Ms. Viola Keys, Assistant to Mr. David Rivers, by Ms. Alisa Reff.**
September 6, 1985	Mr. Anthony Salvemini received a phone call stating that we would not receive the documents until the end of the week of September 9, 1985, after the hearing. Ms. Alisa Reff phoned Ms. Keys, who first stated that we would receive the documents on Monday, September 6, 1985. Ms. Reff informed Ms. Keys of the phone call Mr. Salvemini received, Ms. Keys checked, ~~Ms. Keys~~ phoned Ms. Reff and stated that the information Mr. Salvemini received was correct, we would not receive the documents until the end of the week, she stated that that was per a conversation Mr. Rivers had with his staff.

Mr. **Dodaro**. We did, overall, receive general cooperation from all the officials.

But there were some documents that we requested, particularly from YSA and the D.C. Department of Human Services concerning some monitoring reports at YSA facilities, in addition to the contracting documents we discussed earlier. And we can provide, for the record, details on those requests.

Mr. **McKinney**. Were there relevant reasons given for withholding?

Mr. **Dodaro**. The primary reason that was given to us was that the documents were internal documents to the District and not subject to external release.

Mr. **McKinney**. Is it your interpretation, as a member of the General Accounting Office, that any governmental document paid for by the taxpayers is an internal document not available to the general public?

Mr. **Dodaro**. No, sir.

Mr. **McKinney**. I should tell you so.

Thank you, Mr. Chairman.

Mr. **Fauntroy**. Thank you.

Mr. Bliley.

Mr. **Bliley**. Thank you, Mr. Chairman.

Mr. Salvemini, how much did we—about how much did the District pay for private facility care? It was an average of $34,000. How much does the District spend per year for each juvenile at Cedar Knoll where they are receiving no special education?

Mr. **Salvemini**. At Cedar Knoll, we believe the average is——

Mr. **Dodaro**. It's about the same.

Mr. **Bliley**. About the same.

Mr. **Dodaro**. That's correct.

Mr. **Bliley**. In the course of your investigation, what—did it come out why the five juveniles were sent to Glen Mills in Pennsylvania?

Mr. **Salvemini**. No; it did not. We do not know specifically why, outside of the fact that they were handicapped juvenile delinquents, and Glen Mills does have a special education program.

Mr. **Bliley**. They have a special education program. But nobody checked to see if these people were in it.

Were they paying for special education?

Mr. **Dodaro**. Generally, Congressman, the primary reason that these children would be sent outside the District is they would be under direct court order.

Mr. **Bliley**. Were they being—were they—was Glen Mills being paid to provide special education?

Mr. **Salvemini**. Yes; they were.

Mr. **Bliley**. And nobody is checking to see that they get it?

Mr. **Salvemini**. No, sir. No one knew that they weren't getting it.

Mr. **Bliley**. I see.

You mentioned, Mr. Salvemini, that 73 percent of the 223 IEP's developed were out of compliance. Who prepared these IEP's?

Mr. **Salvemini**. Well, of the 73 percent, which was 164 of the 223, we found that the public schools prepared 121, and YSA prepared 31. The remainder were prepared by other entities, such as some of the private facilities prepared their own, since they never got one when the child arrived. But mainly it was the public schools and YSA.

Mr. BLILEY. Why is an IEP so important? And can an individual receive special education services without an IEP?

Mr. DODARO. Both Federal and D.C. regulations require that an IEP be prepared before an individual can receive special education services. So, it's the point of departure of outlining what specific services are required to meet the child's unique needs, as Dr. Wake outlined earlier this morning. And it's also an important management tool to ensure that the services are, in fact, being performed and that there is progress that is being evaluated toward accomplishing the goals that are outlined in the program.

Mr. BLILEY. Mr. Dodaro, is this a relatively recent requirement that the IEP be in place?

Mr. DODARO. No, sir. This requirement has been in existence since the law was passed in 1975.

Mr. BLILEY. 1974?

Mr. DODARO. 1975.

Mr. BLILEY. For 11 years—10 years.

Mr. DODARO. That's correct.

Mr. BLILEY. I see.

Do you know if any city officials from the public schools, courts, or YSA, DHS served on the President's Commission on Crime?

Mr. SALVEMINI. Yes, sir; we do. Sylvia Bacon, who is now a superior court judge in the District, was assistant to the director of the Commission. And Mr. Al Schuman, who is now the director of social services at the court, was a staff member on the Commission.

Mr. BLILEY. When was special education last offered at Oak Hill and Cedar Knoll?

Mr. SALVEMINI. According to the director of YSA, there has been no special education at least since she became the administrator, and that was 3 years ago.

Mr. BLILEY. 1982.

Mr. SALVEMINI. Yes, sir.

Mr. BLILEY. Do you believe that the compliance problems are due to a lack of resources, especially financial resources?

Mr. DODARO. I think it's difficult, Congressman, to make that assessment at this point because of all the coordination areas. I guess our position would be that the point of order would be to straighten out some of the management coordination problems before you could really make an accurate assessment as to whether or not additional resources would be needed.

Mr. BLILEY. Your study is based on the year 1983. Do you believe anything has improved since then?

Mr. SALVEMINI. The cases we looked at were based on 1983 data. But our study is actually based on current data. And, no, in our opinion, it doesn't show any type of improvement.

Mr. DODARO. Really, Congressman, 1983 was just used as our base year for selecting the sample of handicapped delinquents that were adjudicated in 1983. But we looked at their files and records up to April 1985, this year.

Mr. BLILEY. When did you first begin this study?

Mr. DODARO. The study was begun in August of last year.

Mr. **Bliley**. August 1984.

Mr. **Dodaro**. That's correct.

Mr. **Bliley**. And in doing this you haven't noticed any improvement in the 12 months that you have been going on?

Mr. **Dodaro**. No.

Mr. **Salvemini**. No, sir.

Mr. **Bliley**. It doesn't give a very good indication of the future does it?

Is anyone responsible for ensuring the correct development of IEP's?

Mr. **Salvemini**. Yes, sir. The board of education, who is the State educational agency, or the board of education of public schools within the District, is responsible. And that responsibility should be implemented through compliance monitoring of YSA facilities.

Mr. **Bliley**. One final question, Mr. Chairman. And I thank you for your indulgence.

For the 10 years that Public Law 94-142 has been in effect, how much money has the District received under this bill?

Mr. **Dodaro**. We know that for fiscal year 1985 they estimate receiving over $700,000. We can provide that additional information since its enactment for the record. For fiscal years 1980-85, the District was allocated $4,286,399 under Public Law 94-142. For fiscal year 1986, the allocation is $924,579 for a total of $5,210,978 for fiscal year 1980-86.

Mr. **Bliley**. Please do.

Thank you.

Mr. **Fauntroy**. Thank you, gentlemen.

I just have two more questions. You have made a specific list of recommendations for our board of education, for the superior court, for the Mayor, for the department of education. I wonder if you have any recommendations for what we in the Congress ought to do about this situation?

Mr. **Dodaro**. Mr. Chairman, we don't have any legislative recommendations at this time. But we would suggest that continued congressional oversight on this matter would probably be warranted until the Congress has satisfied itself that the situation has been corrected.

Mr. **Fauntroy**. You say the law is being violated?

Mr. **Dodaro**. That's correct.

Mr. **Fauntroy**. And we shouldn't do anything about it?

Mr. **Dodaro**. Well, there's nothing in terms of legislative action that would be required for additional legislation. However, I would think congressional oversight to ensure that the law is being brought into compliance would be in order.

Mr. **Fauntroy**. You reported that we've known for a long time that Cedar Knoll was in a prolonged process of closing.

When you were out there did you get any feeling that things were being closed down?

Mr. **Dodaro**. Well, I think yes, sir. There were some cottages, residential cottages, that were boarded up. It definitely looked like they were in the process of closing.

However, I think one of the dilemmas the District is going to have to face is deciding what to do with the individuals who were there. As of August, there were still 40 juvenile delinquents at Cedar Knoll, primarily because the Oak Hill facility is at capacity.

So, in the long term, the District hopes to move a lot of these juvenile delinquents to group homes and to shelters. But until they're able to do that, I think they are still going to have some problems actually terminating the Cedar Knoll facility until they find a suitable place for those individuals.

Mr. **Fauntroy**. Of the approximately 40 that are there, what percentage do you think are there because of learning disabilities?

Mr. **Dodaro**. We don't have specific information on those 40 because they may have been arrested prior to our sample that was selected in 1983.

Mr. **Fauntroy**. Well, gentlemen, again I thank you so much for a very thorough response to the request of our colleague Mr. McKinney to do this study and report.

It is a very sobering report and it is a very revealing report, and, again, not just revelation, but proposals for dealing with it. And for that we are deeply grateful to you.

Mr. **Dodaro**. Thank you, Mr. Chairman.

Mr. **McKinney**. Mr. Chairman, I just personally, since I—since these two gentlemen and their staff worked on this paper, I cannot tell you how much I commend not only their investigative powers, but, in fact, their thoroughness and their willingness to come forth with suggestions to solve it.

Mr. **Dodaro**. Thank you, Mr. McKinney.

Mr. **Fauntroy**. Thank you.

Mr. **Dodaro**. Thank you.

Mr. **Fauntroy**. And to that end, I'm very pleased to welcome to the witness table, now, a panel from our District of Columbia public schools, including our very fine and able superintendent, Dr. Floretta Dukes McKenzie; her coordinator for special education, Dr. Doris Woodson; and the very esteemed president of the District of Columbia Board of Education, Mr. David Hall.

Ladies and gentleman, we are so pleased to have you come before the witness table. I appreciate particularly your presence throughout the course of this hearing, so that your testimony is not only against the background of the consultations you've had with GAO, but against the background of the testimony already given before the committee.

We have your prepared testimony before us. And, as is my custom, you may proceed in whatever manner you choose. And, believe me, we eagerly await your presentation.

STATEMENTS OF FLORETTA DUKES McKENZIE, SUPERINTENDENT, DISTRICT OF COLUMBIA PUBLIC SCHOOLS; DORIS WOODSON, COORDINATOR OF SPECIAL EDUCATION, DISTRICT OF COLUMBIA PUBLIC SCHOOLS; AND R. DAVID HALL, PRESIDENT, DISTRICT OF COLUMBIA BOARD OF EDUCATION

STATEMENT OF MR. HALL

Mr. **Hall**. Good morning. For the record, my name is R. David Hall, president, board of education for the District of Columbia. Seated with me and to my right, Dr. Floretta McKenzie, superintendent, District of Columbia public schools.

In the conversations which have been held with the representatives of the General Accounting Office, the superintendent has called together a number of members of her senior staff and members of the board of education to discuss the preliminary recommendations.

Inasmuch as no written recommendations had been forwarded to the public school system until 9 o'clock this morning, the specific responses to the General Accounting Office recommendations will be made at a later time.

The board of education, however, did, in January of this year, appoint a new Chair of the committee on special education. It's now chaired by Mr. Bob Boyd, who I believe is with us today, and is—I would ask if he would join us at this time, Mr. Boyd.

Also, with regard to the recommendations, the superintendent of schools has begun to take corrective action where needed so as to bring the D.C. public school system into total compliance with Public Law 94-142.

The report, in its entirety, will be reviewed by the board of education. It will be submitted to the committee on special education, where subsequent hearings to this hearing will be held. And the oversight responsibilities of the board of education will be discharged.

Thank you.

I will remain with the superintendent and, of course, be available to answer any questions should there be any.

Thank you.

Mr. **Fauntroy**. Thank you. Thank you, Mr. Hall.

And, now, Dr. McKenzie.

STATEMENT OF MS. McKENZIE

Ms. **McKenzie**. Thank you. Good morning, Mr. Chairman and members of the committee.

For the record, my name is Floretta Dukes McKenzie, superintendent of D.C. public schools.

I'm pleased to appear at the request of the committee to respond to questions regarding the oversight of juveniles in need of special education who are incarcerated at Oak Hill and other DHS facilities.

As the president of the board has indicated, we have met on several occasions with Mr. Salvemini and members of his team of auditors, and we have shared our documents and our files with this team.

I don't appear before you today to pretend that there is not much work to be done in order to address this problem and problems regarding special education, particularly in so far as timely completion of assessments and placements is concerned.

In fact, I have requested my division of quality assurance to conduct a management audit of the child study center and our regional placements operations toward the end of making this process more effective and shortening the time prior to placement.

I recognize that the concern is, this morning, particularly with institutions operated by our sister agency the department of human services. And, more specifically, the GAO has raised the question as to whether we are properly discharging our responsibilities as a State education agency under Public Law 94-142 in respect to the provision of special education at these facilities.

In considering our responsibilities, it is important to draw a distinction between monitoring and oversight, as this has been a special concern that has not been completely resolved, for the District of Columbia public schools have never had the authority to operate these facilities or administer special education assessments for the population in question. And there is no local law enacted by the city council or Congress that has vested the board of education with authority or responsibility over these facilities.

The issue is now being raised concerning the implementation of Public Law 94-142, that is, the education services for handicapped youngsters at DHS operated facilities.

The department—the development and implementation of IEP's for these handicapped children, unfortunately, Congress, as I indicated, did not address how one autonomous agency would deal with another autonomous branch of local government, in this case, the board of education and DHS, and our effort and the necessity to ensure delivery of appropriate services, where it would require direct enforcement authority over another branch of government headed by the Mayor.

Nonetheless, the regulations do acknowledge the right of public education to enter into interagency compacts and agreements to further the aims of the law. And we have attempted to enter into such agreements. In 1978, there was such an agreement. And, in keeping with this agreement, the board adopted the regulations to govern special education to identify students within private facilities that contract with us for such services.

The Mayor adopted policy for children committed to his custody and in institutions under his exclusive control, such as Oak Hill.

In an effort to facilitate the manner in which residential placements are made, the Mayor and the board entered into a separate agreement in 1980, and trying to make some bilateral decionmaking concerning political jurisdictions in which the board is an SEA.

Now, let me try to share with you a number of areas that we have cooperated in.

The DHS presently assumes responsibility for related services of occupational and physical therapy, itinerant and onsite in public schools.

We have limited joint agency monitoring regarding handicapped students in residential settings. We provide a team member for the monitoring that does take place.

Recently, through our child study center, we have conducted evaluations of detained students referred from the receiving home.

In addition, the D.C. Department of Human Services has assigned medical support personnel to the child study center to review cases and participate in onsite assessment.

We provide to DHS copies of curriculum published by the division of special education and pupil services, as well as our division of instruction.

The school system includes DHS staff in our staff development efforts.

Doris Woodson, our assistant superintendent for special education, meets monthly with the commissioner of social services to work out issues of special concern.

So, I bring this to the attention of the committee to indicate that while there are some things amiss, we are working in a cooperative manner on a number of things.

Now, as the president of the board indicated, we have seen GAO's preliminary report, has seen, today, it's report to the committee. And we'll speak in a more definitive manner to the complete report later.

However, we do have some concerns about qualifications of faculty, and that the DHS could have other comparable requirements, such as those used by Department of Defense schools or the Bureau of Indian Affairs schools, and might not be compelled to seek certification by the D.C. public school system.

But, again, let me say very clearly that we are prepared to assume a greater role in monitoring DHS compliance with Public Law 94-142. This increased monitoring, of course, has certain resource requirements that, of course, the board of education must address, the increased number of staff that would be required for more complete monitoring, as well as increased costs of travel.

I'd like to indicate that we put, assigned team members to monitoring on trips as far away as Florida. So, they all have not been within the 15-mile radius.

GAO has suggested that we assume responsibility for conducting the assessments and IEP development of all students committed to DHS or incarcerated within their facilities. I presume that this recommendation, if realistic, is premised upon transfer of some resources from DHS, and would require more than staff transfer if it's to be implemented. But inasmuch as they were contracting out some of these services, that would require some monetary transfer.

However, we will work with our board of education, because we have indicated very clearly that our track record needs improvement in-house. And so, we'll be working to improve our own management, as we seek to develop plans as to how to handle such a recommendation as made by GAO.

As to the matter of transfer of records among the courts, DHS, and the school system, we acknowledge those shortcomings and have decided to employ one staff person, and designate this individual as the single point of contact for facilitating the exchange of records of all detained and incarcerated youth.

We look forward to being able to do this immediately, as well as our development of automated tracking systems to expedite the sharing of information among all agencies.

Let me conclude by saying that we recognize that all is not well. All youngsters, handicapped or not, incarcerated or not, deserve the chance to obtain an appropriate education suited to their educational needs.

You have my pledge to redouble our efforts to work cooperatively with the Mayor and DHS to enhance the services provided to residents of juvenile correction facilities and to the extent that the reason for their incarceration, initially, does not eclipse the ability to provide educational services.

I thank you for this opportunity to respond at this early moment to the report. And we'll be pleased to respond to questions at this time.

[The prepared statement of Ms. McKenzie follows:]

STATEMENT OF
FLORETTA DUKES MCKENZIE
HOUSE OF REPRESENTATIVES
COMMITTEE ON THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH
September 10, 1985

GOOD MORNING. MY NAME IS FLORETTA DUKES MCKENZIE, SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS. I AM APPEARING AT THE COMMITTEE'S REQUEST TO RESPOND TO ANY QUESTIONS THAT YOU MAY HAVE RELATIVE TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS' OVERSIGHT OF THE JUVENILES IN NEED OF SPECIAL EDUCATION WHO ARE INCARCERATED AT OAK HILL AND OTHER DHS FACILITIES.

AS YOU ARE AWARE, MY SENIOR OFFICERS AND I HAVE MET SEVERAL TIMES WITH MR. SALVEMINI OF THE GENERAL ACCOUNTING OFFICE AND HIS TEAM OF AUDITORS. MY STAFF HAS SHARED HUNDREDS OF DOCUMENTS AND FILES WITH THE GAO TEAM, RECOGNIZING THAT THESE DOCUMENTS REFLECT BLEMISHES AND ALL. I DO NOT APPEAR BEFORE YOU TODAY TO PRETEND THAT THERE IS NOT MUCH WORK STILL TO BE ACCOMPLISHED -- PARTICULARY INSOFAR AS THE TIMELY COMPLETION OF ASSESSMENTS AND PLACEMENTS IS CONCERNED. IN FACT, I HAVE ASKED MY DIVISION OF QUALITY ASSURANCE TO CONDUCT A MANAGEMENT AUDIT OF THE CHILD STUDY CENTER AND OUR REGIONS, TOWARD THE END OF MAKING THIS PROCESS MORE EFFECTIVE AND OF SHORTENING THE TIME PRIOR TO PLACEMENT.

I RECOGNIZE THAT YOUR CONCERN THIS MORNING IS AS TO INSTITUTIONS OPERATED BY OUR SISTER AGENCY, THE DEPARTMENT OF HUMAN SERVICES. MORE SPECIFICALLY, GAO HAS RAISED THE QUESTION AS TO WHETHER WE ARE PROPERLY DISCHARGING OUR RESPONSIBILITIES AS A STATE EDUCATION AGENCY UNDER P. L. 94-142 TO INSURE THE

PROVISION OF SPECIAL EDUCATION AT SUCH FACILITIES.

IN CONSIDERING OUR RESPONSIBILITIES, IT IS IMPORTANT TO DRAW A DISTINCTION BETWEEN MONITORING AND OVERSIGHT ON THE ONE HAND, AND OPERATIONAL RESPONSIBILITIES ON THE OTHER. THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS NEVER HAS HAD AUTHORITY TO OPERATE THESE FACILITIES OR TO ADMINISTER SPECIAL EDUCATION ASSESSMENTS OR PROGRAMS FOR THE POPULATION IN QUESTION. INDEED, NO LOCAL LAW ENACTED BY THE CITY COUNCIL OR CONGRESS HAS EVER VESTED THE D. C. BOARD OF EDUCATION WITH ANY AUTHORITY OR RESPONSIBILITY AT THESE FACILITIES.

THE REASON THAT THE ISSUE IS NOW RAISED IS BECAUSE OF THE PASSAGE OF P. L. 94-142 AND THE PROMULGATION OF IMPLEMENTING REGULATIONS THAT ASSIGNED A ROLE -- HOWEVER ILL-DEFINED -- TO STATE EDUCATION AGENCIES WHICH, IN THE DISTRICT OF COLUMBIA, IS THE BOARD OF EDUCATION. THUS, THE REGULATION WOULD ASSIGN TO THIS AND OTHER S.E.A.'S THE OBLIGATION TO "INSURE THAT EACH PUBLIC AGENCY" - INCLUDING THE DEPARTMENT OF HUMAN SERVICES -- "DEVELOP AND IMPLEMENT IEP'S FOR THEIR HANDICAPPED CHILDREN". UNFORTUNATELY, THOUGH, CONGRESS DID NOT ADDRESS HOW ONE AUTONOMOUS BRANCH OF GOVERNMENT -- IN THIS CASE, THE BOARD OF EDUCATION -- COULD INSURE THE DELIVERY OF APPROPRIATE SERVICES, WHERE IT WOULD REQUIRE DIRECT ENFORCEMENT AUTHORITY OVER ANOTHER BRANCH OF GOVERNMENT HEADED BY THE MAYOR.

NONETHELESS, THE REGULATIONS DO ACKNOWLEDGE THE RIGHT OF PUBLIC AGENCIES TO ENTER INTO INTER-AGENCY COMPACTS AND AGREEMENTS TO FURTHER THE AIMS OF THE LAW. THIS IS PRECISELY WHAT HAS OCCURRED IN THE DISTRICT OF COLUMBIA. BOTH BRANCHES OF GOVERNMENT ENTERED INTO A 1978 AGREEMENT, SETTING FORTH RESPECTIVE RESPONSIBILITIES TO ESTABLISH POLICY CONSONANT WITH THE FEDERAL LAW AND REGULATIONS. IN KEEPING WITH THIS AGREEMENT, THE BOARD ADOPTED REGULATIONS TO GOVERN SPECIAL EDUCATION OF ITS IDENTIFIED STUDENTS PROVIDED SERVICES IN THE PUBLIC SCHOOLS OR IN PRIVATE FACILITIES UNDER CONTRACT TO DCPS WHERE NO APPROPRIATE PROGRAM EXISTS WITHIN THE SCHOOL SYSTEM.

SIMILARLY, THE MAYOR ADOPTED POLICY FOR CHILDREN COMMITTED TO HIS CUSTODY AND IN INSTITUTIONS UNDER HIS EXCLUSIVE CONTROL, INCLUDING OAK HILL. IN ACCORDANCE WITH THE THE FEDERAL REGULATIONS, THE MAYOR PROMULGATED MAYOR'S ORDER 78-220 AND CHAPTER 7110 OF THE MAYOR'S ADMINISTRATIVE INSTRUCTIONS. BOTH OF THESE WERE ISSUED PURSUANT TO AND ARE REFLECTED AS PART OF THE STATE PLAN FOR FISCAL YEAR 1984-1986 SUBMITTED BY THE BOARD OF EDUCATION AND THE MAYOR TO THE U. S. DEPARTMENT OF EDUCATION.

MOREOVER, IN AN EFFORT TO FACILITATE THE MANNER IN WHICH RESIDENTIAL PLACEMENTS ARE MADE, THE MAYOR AND THE BOARD ENTERED INTO A SEPARATE AGREEMENT IN 1980. THIS FURTHER DEMONSTRATES THE BILATERAL NATURE OF DECISION-MAKING SHARED BETWEEN AGENCIES IN A POLITICAL JURISDICTION IN WHICH THE BOARD OF EDUCATION IS AN S.E.A. IN NAME ONLY, WITHOUT ENFORCEMENT AUTHORITY.

TO BE MORE SPECIFIC, PERMIT ME TO SET FORTH CONCRETE EXAMPLES OF THE POSITIVE AND CONTINUING INTER-AGENCY COOPERATION BETWEEN DHS AND DCPS, INTENDED TO IMPROVE THE DELIVERY OF SPECIAL EDUCATION SERVICES. TO ASSUME THAT THERE IS A LACK OF SUCH COOPERATION WOULD BE INCORRECT.

- DHS PRESENTLY ASSUMES RESPONSIBILITY FOR THE PROVISION OF THE RELATED SERVICES OF OCCUPATIONAL AND PHYSICAL THERAPY, BOTH ITINERANT AND ON-SITE IN PUBLIC SCHOOLS FACILITIES.

- LIMITED JOINT AGENCY MONITORING HAS OCCURRED OF HANDICAPPED STUDENTS IN RESIDENTIAL SETTINGS. THIS EFFORT WILL BE ENHANCED BY INCREASED FUNDING IN SUBSEQUENT FISCAL YEARS.

- DCPS, THROUGH ITS CHILD STUDY CENTER, CONDUCTS EVALUATIONS OF DETAINED STUDENTS REFERRED FROM THE RECEIVING HOME.

- DHS HAS ASSIGNED SOME MEDICAL SUPPORT PERSONNEL TO THE CHILD STUDY CENTER TO REVIEW CASES AND PARTICIPATE IN ON-SITE ASSESSMENT.

- DCPS PROVIDES TO DHS COPIES OF CURRICULUM PUBLISHED BY THE DIVISION OF SPECIAL EDUCATION AND PUPIL PERSONNEL SERVICES.

- THE SCHOOL SYSTEM INCLUDES DHS STAFF IN ITS STAFF DEVELOPMENT EFFORTS.

- DCPS PROVIDES TEACHERS AND MATERIALS FOR THE MENTAL HEALTH CENTERS OPERATED BY DHS.

- DORIS WOODSON, ASSISTANT SUPERINTENDENT, DIVISION OF SPECIAL EDUCATION AND PUPIL PERSONNEL SERVICES, MEETS MONTHLY WITH AUDREY ROWE, COMMISSIONER OF SOCIAL SERVICES, AS TO MATTERS OF MUTUAL CONCERN AND NEED.

NOT HAVING SEEN GAO'S PRELIMINARY REPORT YET, I AM NOT PREPARED TO CONCUR WITH ITS SPECIFIC FINDINGS VIS-A-VIS IEP'S AND SPECIAL EDUCATION INSTRUCTION AT THE DEPARTMENT OF HUMAN SERVICES FACILITIES. HOWEVER, BY WAY OF EXAMPLE, I WOULD DIFFER WITH ONE ANTICIPATED FINDING OF GAO WHICH IS HELD UP AS EVIDENCE, NOT ONLY OF A VIOLATION OF P. L. 94-142, BUT AS EVIDENCE OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS BEING REMISS IN CARRYING OUT ITS MONITORING ROLE AS AN S.E.A.

GAO WOULD HAVE THIS COMMITTEE BELIEVE THAT THE FAILURE OF THE DEPARTMENT OF HUMAN SERVICES' FACULTY TO MEET THE CERTIFICATION REQUIREMENTS OF TEACHERS IN THE PUBLIC SCHOOLS IS OBVIOUSLY IN CONTRAVENTION OF THE LAW. HOWEVER, THE REGULATIONS MERELY REQUIRE THAT, IN ORDER TO BE "QUALIFIED", PERSONS MUST EITHER MEET OUR CERTIFICATION REQUIREMENTS OR "OTHER COMPARABLE REQUIREMENTS". WE SUBMIT THAT ONE WOULD BE QUALIFIED IF HE MEETS STANDARDS SET BY THE OFFICE OF PERSONNEL MANAGEMENT FOR TEACHERS WHO ARE A PART OF THE FEDERAL CIVIL SERVICE, SUCH AS EMPLOYED IN DEPARTMENT OF DEFENSE SCHOOLS, BUREAU OF INDIAN AFFAIRS SCHOOLS, ETC. THEY ARE NOT, HOWEVER, COMPELLED TO SEEK CERTIFICATION BY THE D. C. PUBLIC SCHOOLS.

AGAIN, I AM PREPARED FOR DCPS TO ASSUME A GREATER ROLE IN MONITORING DHS COMPLIANCE WITH P. L. 94-142. WERE THERE RESOURCES PROVIDED TO HIRE ADDITIONAL STAFF TO PERFORM MONITORING ON-SITE OF DHS FACILITIES OR TO PROVIDE TRAVEL TO ALLOW US TO OVERSEE CONTRACTUAL PLACEMENTS IN PRIVATE FACILITIES, WE UNDOUBTEDLY COULD DO A MORE EFFECTIVE JOB.

GAO HAS ALSO SUGGESTED THAT WE ASSUME RESPONSIBILITY FOR CONDUCTING THE ASSESSMENTS AND IEP DEVELOPMENT OF ALL STUDENTS COMMITTED TO DHS OR INCARCERATED AT THEIR FACILITIES. I PRESUME THAT THIS RECOMMENDATION, IF REALISTIC, IS PREMISED UPON THE CONCOMITANT TRANSFER OR GRANTING OF ADDITIONAL RESOURCES. AS MENTIONED PREVIOUSLY, WE ARE ALREADY COOPERATING AS TO THE POPULATION AT THE RECEIVING HOME. HOWEVER, GIVEN OUR POOR TRACK RECORD NOW OF COMPLETING ASSESSMENTS AND PLACEMENTS OF DCPS-REFERRED STUDENTS WITHIN THE TIME LIMITS SET BY A FEDERAL JUDGE -- NOT BY P. L. 94-142 WHICH IS SILENT AS TO THE TIME FRAME FOR COMPLETING ASSESSMENTS AND PLACEMENTS -- IT IS UNREALISTIC TO THINK THAT ADDING ADDITIONAL CHILDREN TO OUR RESPONSIBILITIES, WITHOUT ADDING ADDITIONAL RESOURCES, WILL BRING ABOUT MORE TIMELY COMPLETION OF THIS PROCESS.

AS TO THE MATTER OF TRANSFER OF RECORDS AMONG THE COURTS, DHS, AND DCPS, I ACKNOWLEDGE THE SHORTCOMINGS AND HAVE DECIDED TO DESIGNATE ONE INDIVIDUAL AS THE SINGLE POINT OF CONTACT FOR FACILITATING THE EXCHANGE OF RECORDS OF ALL DETAINED AND INCARCERATED YOUTH. WE ALSO LOOK FORWARD TO BEING ABLE TO DEVELOP AN AUTOMATED TRACKING SYSTEM TO EXPEDITE THE SHARING OF INFORMATION AMONG ALL AGENCIES.

LET ME END BY SAYING THAT WE KNOW THAT ALL IS NOT WELL. ALL YOUNGSTERS, HANDICAPPED OR NOT, INCARCERATED OR NOT, DESERVE THE CHANCE TO OBTAIN AN APPROPRIATE EDUCATION SUITED TO THEIR EDUCATIONAL NEEDS. YOU HAVE MY PLEDGE TO REDOUBLE OUR EFFORTS TO COOPERATIVELY WORK WITH THE MAYOR AND DHS TO ENHANCE THE SERVICES PROVIDED TO RESIDENTS OF JUVENILE CORRECTION FACILITIES, TO THE EXTENT THAT THE REASON FOR THEIR INCARCERATION INITIALLY DOES NOT ECLIPSE THE ABILITY TO PROVIDE EDUCATIONAL SERVICES.

THANK YOU. I WILL BE PLEASED TO RESPOND TO ANY QUESTIONS.

Mr. **Fauntroy**. We want to thank you, Mr. Hall and Dr. McKenzie, for your testimony. And we do look forward to working together with you to better coordinate and concentrate our efforts in this area.

You made reference to the fact that the District of Columbia public schools is a State educational agency that has no enforcement authority in these areas. Isn't it true, however, that enforcement authority can be granted to the board of education through a memo of agreement from the Mayor?

Ms. **McKenzie**. Mr. Hall.

Mr. **Hall**. Let me respond to that, Mr. Chairman.

Should the—first, let me preface my remarks by saying the area of cooperation between the board of education and the Mayor have been areas that, during this administration, we've worked very hard. And the record will show that in the last 4 years, perhaps more agreements have been reached with the board of education and the Mayor, out of court, than at any other time, perhaps, in our history of home rule.

So, I do feel confident, then, that we can engage in the kind of dialog with the executive branch that will result in cooperative arrangements.

Enforcement, however, I think goes beyond the mutual assent of the parties. The enforcement power, I believe, must be conferred upon an agency of government or delegated to an agency of government by an empowering body. That is to say I am not sure that the Mayor has within his authority—and, of course, I will have to consult with both corporation counsel and counsel for the public schools system to determine whether the Mayor can delegate enforcement power or whether it takes the act of a legislative body to grant that power.

I would certainly want to address that.

Mr. **McKinney**. Mr. Hall, if you'll excuse me for interrupting.

The General Accounting Office answered this question for me. A memo of understanding from the Mayor may give the educational division of the government power to enforce. And, in fact, public law requires that a department of education monitor and enforce these programs. And that is a stipulation under Federal law for which the District gets Federal funds.

Mr. **Fauntroy**. Thank you.

You indicated, also, Dr. McKenzie, that limited joint agency monitoring has occurred on handicapped students in residential settings.

Why hasn't the D.C. public schools taken the lead in this monitoring with the support of the D.C. Department of Human Services?

Ms. **McKenzie**. I suppose, Mr. Chairman, that, as independent agencies, sometimes we do have a bit of a handsoff policy. And, of course, it's—we've been busily increasing the amount of money that we spend in our special education programs within the D.C. public schools system.

So, we probably have not hastened to go into ventures that would cost additional moneys from our own budget.

However, we recognize the requirements of a State education agency under Public Law 94-142. And, at this point, I think I speak for the president of the board, we will more diligently carry out those responsibilities.

Mr. **Fauntroy**. Yeah; the thing is, that occurred to me, is that at least GAO points out to us that the State plan which you developed gave to the board that role—to the public schools that role. And we would hope that you would vigorously pursue it.

You mentioned the tracking system that you are beginning to develop, a computerized tracking system. The GAO representatives, as well, mentioned it earlier.

What is there to prevent any one of the three agencies having access to information gathered on a student by any of the others? Why can that not be quickly done?

Ms. **McKenzie**. We do not see a problem in sharing with the other two agencies. In fact, we have discussed this already. So, we have every intention to accessing the court system and DHS to our information base, our data base.

Mr. **Fauntroy**. So, that conceivably, in the future, the court system could hit the computer——

Ms. **McKenzie**. Exactly.

Mr. **Fauntroy** [continuing]. And learn of the evaluations made in the public schools. And, accordingly, DHS personnel involved in the treatment or the care of a particular young person might be able to access that immediately as well?

Ms. **McKenzie**. Yes.

Mr. **Fauntroy**. What do you intend to do to bring or to at least begin to bring the Logan Child Study Center into compliance with the *Mills* decree?

Ms. **McKenzie**. The *Mills* decree indicate a 60-day placement requirement, which is more stringent than any State that we know of.

Mr. **Fauntroy**. Uh-huh.

Ms. **McKenzie**. Which makes it very difficult.

However, we have already determined to, within the next 30 days, to assign additional staff, but not only to assign additional staff, but look at, to audit exactly how we are operating that makes for such timely—for untimeliness, and to even change the complete operation if necessary so that we can more closely meet the target of *Mills*.

So, we expect to put additional resources into the child study center immediately. We have already undertaken the necessary—we are undertaking the necessary work to change employees from 10 months to 12 months.

And, so, within the next 120 days, we would expect to have a complete plan for overhauling that operation.

Mr. **Fauntroy**. Uh-huh.

Do you plan to ensure that the Youth Services Administration is providing the needed special education for handicapped young people?

Ms. **McKenzie**. I'm sorry, Mr. Chairman, I didn't——

Mr. **Fauntroy**. Do you intend to ensure, in your role as a monitor of the entire operation, do you intend to ensure that YSA is, in fact, providing the special education? How do you plan to do that?

Ms. McKenzie. We have in—as the GAO auditors indicated, that our monitoring of DHS facilities—that we provided much more specificity in our monitoring reports of 1985.

We expect to be much more vigorous in reports in our followup to make sure that recommendations have been implemented.

Mr. Fauntroy. Uh-huh.

You mentioned the 60-day evaluation, placement requirements of the *Mills* agreement decree. Again, why did you feel it necessary to ask for delay in relief from that 60-day requirement?

Ms. McKenzie. The requirement of 60 days is one that's almost impossible to meet, given the number of consultations we have to have with parents, with the testing requirements. And, so, it makes it so that we would be out of compliance almost always.

Most States have 90 to 120 days, timelines for placement. And the *Mills* puts us under a 60-day one, which is—it's just about impossible, except in the most—in the easiest type cases.

Some of the cases require physical examinations, psychiatric examinations, and total involvement of parents, as well as testing. And 60 days is really very, very tight to try to get that done.

However, we will work toward that target as is required by the court.

Mr. Fauntroy. Mr. McKinney.

Thank you.

Mr. McKinney. Thank you very much, Mr. Chairman.

Dr. McKenzie, it's nice to see you again. And I trust you realize I am trying to be constructive here rather than destructive.

GAO has testified that 12 of the 14 teachers at Oak Hill and Cedar Knoll are not certified by the D.C. Board of Education to teach any subjects, and none is certified by the board or OPM to teach special education.

On page 5, you said that DHS teachers do not have to meet D.C. certification standards, but, instead, to meet OPM standards.

In either case, the law requires that you ensure these standards are met. Is this being done?

Ms. McKenzie. We have not assessed the quality of the staff at either of these facilities.

Mr. McKinney. On page 4, you said that you did not concur, essentially, with GAO's findings regarding the IEP's and special education at DHS's facilities.

But isn't it really true that in 1982, 1983, and 1985 the board of education's own monitoring process at Cedar Hill stated exactly what GAO did?

Ms. McKenzie. Let me refer to that again. I'm not sure that was what I meant to convey.

Would you state your question again, Mr. McKinney?

Mr. McKinney. Yes; you state, on page 4, that you are not ready to concur with the GAO's findings regarding the IEP's and special education at DHS facilities. But that year, in 1985 itself, on May 6, the board of education did a monitoring report which found the same problems and, in fact, reports were done that found the same problems in 1982 and 1983.

Mr. Hall. Excuse me, if I may, Mr. Chairman, to Congressman McKinney.

Are you referring to two or three reports which are not before us at this time, but which were done at an earlier time by the public school system?

Mr. McKinney. There were two done by the public school system in 1982 and 1983. And I believe there was one done—yes, in fact, there was one May 6, 1985.

Ms. McKenzie. Now, I think what I'm speaking to is that our concern that the development of these assessments and IEP development is going to be a resource concern to us.

But I'm not—I was not concerned that the GAO report had to do with the placement, the staff, the qualification of staff.

But I'm not—I'm sorry. I can't find that.

Mr. McKinney. That's OK.

You say on page 4, again, that Doris Woodson and Audrey Rowe meet monthly.

Ms. McKenzie. Right.

Mr. McKinney. Do you know if the issue of educating juvenile delinquents and—handicapped juvenile delinquents—excuse me—has been discussed at these meetings or that they have made any progress toward solving these problems which have been identified as going back as far as—since practically 1966?

And I think it's only fair, Dr. McKenzie, that I state that you——

Ms. McKenzie. Yes.

Mr. McKinney [continuing]. You weren't here, and you don't—this is a systemic problem.

Ms. McKenzie. Right.

I'm not aware of the substance of their meetings. I am aware that they do meet regularly.

Mr. McKinney. Well, perhaps, maybe we'd better—well, I'll ask them, because we will certainly turn to Ms. Rowe.

Ms. McKenzie. Uh-huh.

Mr. McKinney. Could you tell me why you waited until May 6, 1985, to acknowledge that YSA facilities did not have special education programs?

Ms. McKenzie. Again, we recognized that we needed to play a more vigorous role. And, at that point, I think our reporting indicated more strongly our feelings about that.

Mr. McKinney. And you state that the board has been following up on the May 6, 1985, monitoring report and trying to make improvements.

Ms. McKenzie. Exactly.

Mr. McKinney. Do you monitor special education at other city agencies like St. Elizabeths Hospital and the D.C. Village?

Ms. McKenzie. We're involved in those programs ourselves. We assign, teach some. Some of the teachers at St. Elizabeths are assigned by the public school system. So, we're much more involved.

Mr. McKinney. Do you feel that they are living up to public law?

Ms. McKenzie. Yes; we know they are living up to Public Law 94-142.

Mr. McKinney. A problem I've had ever since this whole process began was that the school system recognized only 116 juveniles as handicapped when, in fact, GAO found 595. How do you explain that?

Ms. McKenzie. They found a number. They projected from their sample what the number might be. That's my understanding of how they came to that figure.

Mr. Hall. If I may, to the Chair. Since this report was only given to the superintendent and to me at 9 o'clock this morning, we had not had an opportunity to read through its entirety and also compare our data with the data which is reflected in this report.

So, I would ask, through the Chair, to the Congressman, if we would have an opportunity to respond to your questions after we have read the report.

Mr. McKinney. That is absolutely—sure. And I'm sure the chairman——

Mr. Fauntroy. Without objection, so ordered.

Mr. McKinney. I'm sure the chairman is going to keep the record open for a time.

GAO reported to me that 63 juveniles' files were unable to be located, and that they had lost—been lost, or something, and that these juveniles actually attended the D.C. schools.

Do you have any idea how, in fact, it would be possible to lose these?

Ms. McKenzie. We did receive that information from GAO. And we have—we are making an effort to find these files either within the special education records or within our regular education records, since students must be from regular education in order to be placed in special education.

We are concerned that—as we are looking at these records, whether these students were ever identified as handicapped and in need of special education prior to coming into the juvenile court jurisdiction.

We are seeking to resolve this issue and working through, as I indicated, our student enrollment system. And we would like to report on our efforts to find these 63 records.

Mr. McKinney. Well, I would like to state that I would like to have you respond to that so that it can go on the record, because I think, again, this is a systemic problem, which is the whole basic discussion that we're having.

You have stated that you're putting a computer—or you have a computer that can talk to other computers, which is the verbage I guess. I understand that it costs about $25,000 to enable the—to set up a system where the court, and the board, and the DHS could converse on the individuals involved.

And I think, Ms. McKenzie, in the scheme of things, with $34,000 for incarceration, that $25,000 would be a cheap price to pay to maybe just eliminate one incarceration because, in fact, an early start is achieved.

Ms. McKenzie. Sure.

Mr. McKinney. Have you had or is there a meeting now going on, that's going to go on, or has gone on between these three different agencies to get this thing in place?

Ms. McKenzie. There are meetings going on.

We have an automated student enrollment system for our regular student population. We are perfecting the one for our special education students. And we are presently in discussion with the court system and DHS about how we can put together the total system so that they can have access to the information.

In the meantime, we will immediately assign one person to—so that we can facilitate the exchange of records among the three agencies now.

Mr. McKINNEY. Have you been given any idea by the computer types as to how long it will take to get this system in place?

Ms. McKENZIE. How long? Within 6 months or less.

Mr. McKINNEY. Let's hope for less.

Ms. McKENZIE. OK.

Mr. McKINNEY. The D.C.—I questioned the D.C. Department of Corrections. And they informed me that it is a responsibility of the public schools to monitor their special education programs and with compliance with Public Law 94-142.

Do you have any idea when the last time their programs at their two youth centers were monitored?

Ms. McKENZIE. I've been told that probably in January of this year was the last time.

Mr. McKINNEY. How often would it be the practice to monitor these special education programs, say?

Ms. McKENZIE. Annual monitoring would be what we would indicate would be the usual amount of time.

But as we are looking at this whole system of monitoring, we would like to have the opportunity to plan a more careful monitoring that might require more than one visit a year.

Mr. McKINNEY. Have—either Mr. Hall or Ms. McKenzie—have any specific steps been taken yet to implement GAO's recommendations?

Mr. HALL. Let me respond to that by saying that when the first verbal recommendations were presented—of course, we've asked for written——

Mr. McKINNEY. That was in July.

Mr. HALL. That's correct, July. We received the verbal recommendations. And we began to take some specific steps. Both the superintendent of schools and through the board's committee on special education, chaired by Mr. Boyd, began to conduct a thorough investigation into the Logan Center's activities to find out whether there were some changes which could be made, whether resource or managerial changes which could be made which would expedite and streamline the procedures there.

I think those reports, which I have read, from the committee on special education, submitted by the superintendent, have indicated that some changes are being considered now. And I'm sure the superintendent will take those steps at the appropriate time.

Mr. McKINNEY. Who would attend these meetings, Mr. Hall?

Mr. HALL. They're open to the public.

Mr. McKINNEY. What agencies would you have invited? Since, in fact, the July verbal—and I agree with you, it was verbal—recommendations, do you have any idea who's attended these meetings, or have you had any meetings to see if we can——

Mr. HALL. A meeting had been held.

If you will allow me to confer with the Chair of the committee on special education, I'm sure we can give you the answer.

Mr. McKINNEY. I'd be delighted.

Mr. **Hall.** I'll have him up at the table.

Ms. **McKenzie.** In the meantime, we have met with the city administrator, with D.C. Department of Human Services, and the court system.

Mr. **Boyd.** Thank you.

Congressman McKinney, Congressman Fauntroy, my name is Bob Boyd. I chair the board of education's committee on specialized educational programs, which has oversight over this facet of the school system's operation.

We meet, during the school year, on a regular monthly basis, the first Tuesday afternoon of each month, at 1 o'clock in the afternoon.

We're meeting this afternoon because the first Tuesday fell on the opening day of school this year. And we wanted not to get caught up in some of the activities of that day.

We will meet at 1 o'clock, depending on how quickly you let us away from this table.

We have, in that committee, made a list that has been growing steadily since January when that facility committee—it now has about 55 or 60 names on it of persons who had expressed interest in the conduct of our committee. They tend to be leaders of advocacy organizations. There are probably, in that list, some agency people. To my knowledge, DHA and the YSA are two other agencies you're looking at in this context that are not on it. But they are certainly recipients of the school system's monthly calendar of meetings that declares when this meeting is taking place.

Mr. **McKinney.** Thank you, Mr. Boyd.

I have no more questions, Mr. Chairman. Mr. Fauntroy. Thank you so much.

I had some more questions. But because—Mr. Boyd, Mr. Hall, Dr. McKenzie, this member believes that the Board of Education of D.C. public schools has a pivotal role to play in according the constitutional rights in this. And I can't stress to you how important the issue is and how important the 1 o'clock meeting is.

I hope that you will take to the 1 o'clock meeting, to the board, to the staff the urgent wish of Congress to accomplish and to be able to afford a much more efficient system by this time. Thank you.

Ms. **McKenzie.** Thank you.

Mr. **Hall.** Thank you.

[The following material was submitted by Ms. McKenzie:]

DISTRICT OF COLUMBIA PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT

PRESIDENTIAL BUILDING
415 12TH STREET, N.W.
WASHINGTON, D.C. 20004

SUPERINTENDENT

(202) 724-4222

October 9, 1985

The Honorable Stewart B. McKinney
Ranking Minority Member
Committee on the District of Columbia
Room 1310, Longworth House Office Building
Washington, D.C. 20515

Dear Mr. McKinney:

As requested in your correspondence dated September 17, 1985, I am forwarding you a copy of the D.C. Public Schools special education budget for FY '85 and FY '86.

Please feel free to contact my office if the Committee needs any further information related to this matter.

Sincerely,

Floretta Dukes McKenzie
Superintendent of Schools
Chief State School Officer

Attachments

Received
10/9/85
WFC

SPECIAL EDUCATION BUDGET SUMMARY

		FY 1985	FY 1986
Appropriated Budget			
(Central Office)	8C00	$ 580,000	$ 595,000
(Pupil Personnel)	8D00	158,000	163,000
(Department of Spec. Ed.)	8K00	16,119,000	17,188,000
(Child Study Center)	8L00	2,021,000	1,508,000
	Region A	3,169,815	3,236,609
	Region B	2,240,892	2,201,330
	Region C	2,583,167	2,581,055
	Region D	3,569,531	3,546,759
Total, Appropriated		$30,441,405	$31,019,753
Non-Appropriated Budget		$ 4,171,725	$ 4,101,578
Grand Total, Special Education		$34,613,130	$35,121,331

Prepared by
Division of Budget
September 26, 1985

DISTRICT OF COLUMBIA PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT

PRESIDENTIAL BUILDING
415 12TH STREET, N.W.
WASHINGTON, D.C. 20004

SUPERINTENDENT

(202) 724-4222

November 12, 1985

Ms. Roberta Messalle
Senior Minority Staff Assistant
U.S. House of Representatives
Committee on the District of Columbia
Room 1310, Longworth House Office Building
Washington, D. C. 20515

Dear Ms. Messalle:

In response to your request dated October 21, 1985, attached find a description of our FY 1985 and FY 1986 P.L. 94-142 and P.L. 89-313 grant awards and distribution.

Handicapped students in programs operated by the Youth Services Administration at Oak Hill Youth Center and the Receiving Home as well as those in Department of Corrections programs at Lorton Reformatory are counted and generate funds under Chapter I, P.L. 89-750. Based on Federal regulations (Section 300.753 (b)(4) of Title 34 of the Code of Federal Regulations), we are prohibited from counting these students to receive funds under Chapter I, P.L. 89-313. It has also been our understanding that these students were ineligible to be counted under P.L. 94-142. However, in recent consultation with officials at the U.S. Department of Education, we have been informed that they are eligible to be counted under this Act. Beginning with our December 1, 1985 Child Count under P.L. 94-142, we will include all handicapped students enrolled in programs operated by the Department of Human Services, Youth Services Administration and the Department of Corrections.

The Federal regulations (Section 300.753 (b)(5) of the Code of Federal Regulations), have also prohibited us from including handicapped students at Saint Elizabeth's Hospital in the annual Child Count since it is a totally Federally funded institution. Since the D.C. Public Schools has recently increased its support to Saint Elizabeth's Hospital, we will be counting these students under Chapter I, P.L. 89-313 for FY '87.

Please do not hesitate to contact my office if we can be of further assistance to you in this matter.

Sincerely,

Floretta Dukes McKenzie
Superintendent of Schools
Chief State School Officer

FDMcK:vmb

GRANT AWARDS AND DISTRIBUTION
FY 1985 and FY 1986

P.L. 94-142 (Two Grants)

	FY 1985	FY 1986
EHA-B Grant Award	$724,156	$924,579
• State Administration	$270,065	$259,683
• Direct Services	$400,305	$607,381
• Indirect Costs	$ 53,786	$ 57,515
Preschool Incentive Grant Award	$ 52,474	$ 57,571
• Early Screening of At-Risk 3-5 Year Old Children	$ 47,826	$ 52,103
• Indirect Costs	$ 4,648	$ 5,468

P.L. 89-313

Chapter I Grant Award	$2,866,305	$2,754,153
• Direct Supplemental Services for D.C. Public Schools Handicapped Children and Youth	$2,443,736	$2,341,873
• Indirect Costs	$ 203,469	$ 211,074
• Passthrough Funds to the Department of Human Services (See distribution below)	$ 219,100	$ 201,206

- Developmental Services Center	$ 24,366	$ 24,248
- D.C. Village	$ 610	$ 455
- Forest Haven	$ 16,047	$ 15,998
- Paul Robeson School	$ 4[illegible],792	$ 48,496
- Rose School	$ 12,182	$ 12,124
- South Community Mental Health	$ 14,744	$ 24,248
- Therapeutic Nursery	$ 24,366	$ - 0 -
- Support and Related Services	$ 81,993	$ 75,637
Total:	**$ 219,100**	**$ 201,206**

Mr. **Fauntroy**. Let us move to our next witness, that witness coming from the Superior Court of the District of Columbia. Mr. Alan M. Schuman, director of social services.

Mr. Schuman, as we have said with respect to all of our witnesses, we have your very illuminating testimony in writing before, and we look forward to your presentation of your testimony. You may do so in whatever manner you choose appropriate.

STATEMENT OF ALAN M. SCHUMAN, DIRECTOR, SOCIAL SERVICES DIVISION, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. **Schuman**. Thank you, Mr. Chairman.

Assuming my written presentation wasn't there long enough to repeat it, let me pull out some after we've taken concern of the GAO recommendations.

My name is Alan Schuman. And I am the director of social services division of the superior court in the District of Columbia.

I shall be rather brief in my remarks this morning primarily because I fully support the concepts and principles upon which Public Law 94-142 has been established. I fully believe in the right of those who are educationally handicapped, to whatever degree, to have the full benefit and opportunity to be educated in the maximum extent possible.

I further firmly believe that it is the responsibility of the State to provide educational opportunities for all children regardless of any handicapping conditions.

In my position as the director of the social services division, I have the responsibility to provide services to children and families who come to the attention of the court. This is in addition to providing services to adults who appear before the superior court on adult charges. And right now we have something like 13,000 adults on probation and supervision in the District of Columbia.

Unquestionably, the provision of the first—services to children—is the more difficult task. I have, however, as a matter of policy, placed priority on providing services to children and families, as I believe that, in the long run, this is the most feasible and effective approach if we are going to curb the escalation of adult crime.

During the course of a year, approximately 4,000 alleged juvenile delinquents are processed in the court. Many of these youths are subsequently adjudicated as delinquents and, thus, require that a service or treatment plan be developed and implemented for the remediation of their problem.

More often then not these youngsters have a diverse array of problems, certainly including, but not limited to, serious educational problems and learning handicaps. Typically, the profile of a youngster being served by the court would include an academic retardation of 3 or 4 years. The causes of this retardation are too many to discuss here, as you may well know. There are a number of youngsters who have a learning handicap.

Unfortunately, I cannot tell you how many youth in the delinquency system have learning handicaps. Some youths are not in the system long enough for this to be determined. Others may be so handicapped, but have never been diagnosed as such.

It would be safe to say, however, that the delinquent population at least has as many learning disabled youth, proportionally, as does the general population. In fact, the probability is that it would be somewhat higher than the general population as some studies have indicated a direct correlation between the learning disabled and delinquency.

It is important that this type of diagnosis be made in order that the most appropriate remediation or treatment program is developed. It is equally as important that this diagnosis be made at the earliest possible point in the child's educational experience.

The average age of the youth entering the delinquency system is 15 years. By the time we see him or her, several vital years may have been lost in remediating the problem if a diagnosis had never been made.

The social services division has initiated a quite limited program of purchasing necessary educational assessments to supplement those provided by the public schools through a very small grant. The funding capability to provide this necessary education is, however, anticipated to terminate prior to the end of this calendar year.

My staff also participates as a member of the residential review committee to determine if a youth's handicap falls within the purview of Public Law 94-142 and if a residential placement or other special education setting is necessary.

It is my belief that the District of Columbia agencies and officials endorse the thrust of Public Law 94-142 and are committed to making the entire endeavor an effective and successful one.

I also believe that there is room for improvement in the process to make it even more effective. To that end, the social services division will participate with the other key agencies in improving the coordination of services to the handicapped child, and will join these agencies to develop a better strategy for improving communications and the exchange of information.

The recommendation that pertains specifically to the courts in the social services division dealt with improved coordination and information exchange as being crucial. We wholeheartedly concur with that recommendation.

The social services division provides liaison and coordination services with the D.C. public schools and Youth Service Administration. I've had the opportunity to meet with Dr. Wilbur Millar from the school system and Patricia Quann from Youth Services Administration to discuss this specific recommendation. It was an excellent meeting, with all parties in agreement as to the need and importance of this, implementing this particular recommendation.

Considerable progress was made in this meeting, including some of the following points. I'll take a minute to share them with you.

We designated liaison persons for each of the three organizations, the public schools, D.C. Department of Human Services, and the court social services.

We determined that the court liaison staff will develop procedures to ensure a smooth flow of interagency information. The liaison staff would develop and be responsible for a monitoring system to ensure efficiency; putting a procedure into place has no relevance unless you have a continuous monitoring system.

The liaison staff will convene regularly scheduled meetings to be certain that we remain on target with our goals. In the topic of detained youth pending trial or adjudication at Oak Hill or the receiving home, the social services division, my division, will notify the school system of a youth's status, including the next scheduled court date and when the youth is released from detention.

Concerning the youth in detention, the Youth Services Administration will secure all necessary public school records.

YOUTH RELEASE FROM DETENTION

The Youth Services Administration shall forward all information relating to the youth's educational program. Additional data, such as psychological, psychiatric evaluation, educational assessments, et cetera, will be forwarded to the school system.

The D.C. public schools will provide all educational data to the social services division and Youth Services Administration for use under the jurisdiction of the court or committed to the Youth Services Administration.

Concerning youth committed by the courts to the D.C. Department of Human Services for rehabilitation and treatment, the social services division will forward, within 7 days, all social, psychological, and educational data to the Youth Services Administration.

The Youth Services Administration will request and the department of public schools will furnish all public school educational materials related to the committed youth.

We all consider this a very positive effort at implementing the GAO recommendations. The cooperation, in my opinion, was excellent.

We will reduce our procedures and policies to interagency agreements, as we have in many other areas, throughout the years, in the city. And we all agreed to proceed as rapidly as possible on this most crucial task.

Thank you very much.

[The prepared statement of Mr. Schuman follows:]

Statement of
Alan M. Schuman, Director
Social Services Division
Superior Court of the District of Columbia

Good morning Mr. Chairman and members of the Subcommittee on Fiscal Affairs and Health of the Committee on the District of Columbia. My name is Alan Schuman and I am the Director of the Social Services Division of the Superior Court of the District of Columbia.

I shall be rather brief in my remarks this morning primarily because I fully support the concepts and principles upon which P.L. 94-142 has been established. I fully believe in the right of those who are educationally handicapped - to whatever degree - to have the full benefit and opportunity to be educated to the maximum extent possible. I further firmly believe that it is the responsibility of the State to provide educational opportunities for all children regardless of any handicapping conditions. In my position as Director of the Social Services Division, I have the responsibility to provide services to children and families who come to the attention of the Court. This is in addition to providing services to adults who appear before the Superior Court on adult charges. Unquestionably, the provision of the first - services to children - is the more difficult task. I have, however, as a matter of policy placed priority on providing services to children and families as I believe that, in the long run, this is the most feasible and effective approach if we are going to curb the escalation of adult crime.

During the course of a year, approximately four thousand (4,000) alleged juvenile delinquents are processed in the Court. Many of these youth are subsequently adjudicated as delinquents and, thus, require that a service or treatment plan be developed and implemented for the remediation of their problem. More often than not, these youngsters have a diverse array of problems certainly including, but not limited to serious educational problems and learning handicaps. Typically, the profile of a youngster being served by the Court would include an academic retardation of three to four years. The causes of this retardation are too many to discuss here as you may well know, there are a number of youngsters who have learning handicaps.

Unfortunately, I cannot tell you how many youth in the delinquency system have learning handicaps. Some youth are not in the system long enough for this to be determined; others may be so handicapped but have never been diagnosed as such. It would be safe to say, however, that the delinquent population, at least, have as many learning disabled youth, proportionally, as does the general population. In fact, the probability is that it would be somewhat higher than the general population as some studies have indicated a direct correlation between the learning disabled and delinquency.

It is important that this type of diagnosis be made in order that the most appropriate remediation or treatment program is developed. It is equally as important that this diagnosis be made at the earliest possible point in the child's educational experience. The average age of the youth entering the delinquency system is 15 years. By the time we see him/her, several vital years may have been lost in remediating the problem if a diagnosis had never been made. The Social Services Division has initiated a quite limited program of purchasing necessary educational assessments to supplement those provided by the public school system. The funding capability to provide this necessary education is, however, anticipated to terminate prior to the end of this calendar year.

My staff also participates as a member of the Residential Review Committee to determine if a youth's handicap falls within the purview of P.L. 94-142 and if a residential placement or other special education setting is necessary.

It is my belief that the District of Columbia agencies and officials endorse the thrust of P.L. 94-142 and are committed to make the entire endeavor an effective and successful one. I also believe that there is room for improvements in the process to make it even more effective. To that end, the Social Services Division will participate with the other key agencies in improving the coordination of services to the handicapped child, and we will join these agencies to develop a better strategy for improving communications and the exchange of information.

I will be happy to respond to any questions or comments.

Mr. Fauntroy. I thank you, Mr. Schuman. I am pleased with your answering in advance the first question that we wanted to ask you about what is being done about the recommendations from your point of view.

What you have told us is very encouraging. The liaison committee about which you have spoken is indispensable. And, for that reason, I'd like to know, first, how often does it, the committee, meet.

Mr. Schuman. Well, we have met to plan the general outline of the committee and designated who the people are. But we didn't have an opportunity to do this until the question was raised in August. And, so, our intent would be, posthaste, to have the people meet and develop an overall agenda, talking about the regular meetings, and talking about, first, as to when each piece of this system will be accomplished.

And all three departments, the schools, YSA, and the courts, feel the urgency of this issue, and we will be working on it immediately.

Mr. Fauntroy. At your next meeting, I would hope that you would convey to the participants how important we think their work is.

As chairman, I would certainly like to be privy to the recommendations that you make to your principals as to how these very good recommendations made by GAO may be implemented with all parties participating.

You also mentioned that there were about 4,000 delinquents who are processed by your social services agency per year. What is the caseload per social worker?

Mr. Schuman. Well, it's misleading to talk about a caseload because a caseload doesn't have any value unless you talk about what we call workload or work units. Because you could have a hundred cases, and if they don't need many services, that would be fine. But if they needed many services, it wouldn't be all right.

So, we have a process called work unit, where we have tracked every single function that a person on probation is given as part of the services. And when we exceed 100 work units per probation officer, then we are above what we can handle in a 40-hour week.

And, right now, our family branch—and I have three major branches of services in the social services division—but our family branch is handling approximately 112 work units. So, we are working at about 12 percent above our rated capacity at this point.

Mr. FAUNTROY. Thank you.

Mr. McKinney?

Mr. McKINNEY. Thank you, Mr. Chairman.

Mr. Schuman, what information is currently, routinely provided to judges to aid in their placement decision?

Mr. SCHUMAN. Well, we conduct what we call a social study report, which would be the equivalent of a presentence investigation on the adult side. And in that report we do a very thorough review of the total psycho-social development of the youngster, including school background, grade, any information we could get from the schools, any psychological tests by our Child Guidance Clinic if we have them, and they are not done in every case, a review of the family history, a thorough review of the entire criminal history, juvenile criminal history of the youngster, any previous experiences with mental health organizations or anything else to give a full picture and a set of recommendations as to what the judge should use in sentencing.

Mr. McKINNEY. You're not routinely getting this information from the board of education, and/or DHS, or YSA?

Well, let me put it—let me put it this way. Can a child appear in front of a judge for disposition without a representative from YSA and without a representative from the board of education, one discussing—YSA, obviously—discussing the environmental situation, psychological situation, family, child, and so on, education, the school being there to present the educational—truancy, et cetera?

Mr. SCHUMAN. Well, YSA would never be there at the time of disposition because that is a responsibility of the social services division. YSA would only come into play if the youngster was committed, you see.

In the District of Columbia, if he stays on probation or he gets a disposition other than commitment, then it would be the court that handled that.

Now, as far as the school is concerned, no, they do not routinely come. But what we try to do is gather the information and make the presentation as part of our written report to the court.

Mr. McKINNEY. In many States a judge will not entertain the disposition of any child's case unless representatives are there from both the social services divisions of government and the educational divisions of government so that the judge can make an intelligent decision.

Why hasn't your agency been notifying regularly the public schools when you have detained and/or committed a juvenile? We find out that they haven't.

Mr. **Schuman**. I can't say we never notify them. I think what tended to happen is that we have not had a system for doing it on a regular basis. Some probation officers do it, some of them don't. And it's a hit-or-miss basis, depending on the informal relationship that exists between people in the system. And that's what we have to correct.

Mr. **McKinney**. So, in essence, if Johnny Doe doesn't appear at the school, the school system doesn't know where in the hell he is at. I mean, he could be in Cedar Knoll.

Mr. **Schuman**. Except that the—yes. Yes, that could be.

Mr. **McKinney**. How many social workers do you have assigned to juveniles, do you know?

Mr. **Schuman**. Give or take a few, I think it's about 54.

Mr. **McKinney**. Fifty-four.

Do you know how many of them have degrees in social work?

Mr. **Schuman**. We have three ways you can become probation officers. And I don't happen to agree that you have to have a master's degree in social work, even though I have one, to adequately conduct your work as a probation officer.

You can have a—you must have at least a bachelor's degree in one of the social sciences and 2 years' experience, or a master's degree in one of the related social sciences and 1 year's experience, or a master's degree in social work and no experience to be eligible to be a probation officer.

The reality is, our staff is about 65 percent master's degrees, and our level of experience probably ranges, on an average, of 10, 12, to 14 years of experience.

Mr. **McKinney**. We noticed you requested funds for the purpose of contracting with a contractor for special education evaluation and treatment. I guess I have two questions. The first one is, why have you done that?

Mr. **Schuman**. Well, we knew that we have to have a capacity to have educational assessments so that we can properly develop our diagnosis and include that information in our report to the judiciary.

Mr. **McKinney**. Who is the contractor?

Mr. **Schuman**. We don't have a single contractor. We have contracted with several organizations. We don't have a contract. We just individually purchase an assessment on youngsters.

Mr. **McKinney**. In other words, you are taking an individual youngster and an individual contractor and putting them together.

Mr. **Schuman**. Yes.

Mr. **McKinney**. Rather than having a contractor that is going to evaluate the whole system.

Mr. **Schuman**. Well, you have to understand. Now, we have $25,000 that was given to us as part of a grant that hit the whole myriad of services to provide for all youngsters on probation. Now, that includes mental health, special mental health type testing, family counseling, tutoring services, and some educational assessment.

So, the amount that we've delegated assessments, up to this point, is something like $2,000. So, we're not talking about a contract.

And the court has had a history, through the judiciary, of also asking for individual assessments, and we follow in the same basic pattern.

Mr. McKinney. One thing, Mr. Schuman, I must say bothers me deeply. I understand that on August 21, 1985, the GAO asked you to supply contractual information with any contractors and that you refused to discuss it.

Mr. Schuman. Well, you don't have all the information accurately. I said that I don't have the responsibility for contracts I don't sign off on. And I referred him to the executive officer of the court, who has that responsibility.

Mr. Fauntroy. And he refused to provide it?

Mr. Schuman. I have no idea.

Mr. McKinney. Did you direct the GAO to go to the executive officer?

Mr. Schuman. Yes, I did.

Mr. McKinney. Well, if what—the Mayor announced, 2 years ago, that Cedar Knoll was going to be closed, and, yet, GAO says that there are somewhere in the neighborhood of 40 to 50 children there. And the superior court judges are continuing to commit children to Cedar Knoll. Do you know why this is happening?

Mr. Schuman. Well, the judges are not committing children to Cedar Knoll. They are committing them to the D.C. Department of Human Services, Youth Services Administration. And then it would be the decision of YSA to determine where to place them.

But I think they are primarily there under detention and not under the treatment program.

Mr. McKinney. Is it possible for you to pass along important information to family division judges, for example, of the fact that the court sends children to some private schools for special education, but those schools aren't even giving it, like the Glen Mills School?

Mr. Schuman. We, occasionally, if the judge will ask us to look into a facility, check it out for him. We don't have the resources to do it. It's not, basically, even our responsibility, in the sense that when a youngster is committed to, say, Glen Mills or any other institution, it becomes the responsibility of the D.C. Department of Human Services.

Mr. McKinney. But shouldn't somebody comment to the judge that remands somebody that ended up at Glen Mills that, in fact, that's handicapped——

Mr. Schuman. Well, yes.

Mr. Fauntroy. Thank you, Mr. Schuman.

The next witnesses are from the District of Columbia government, the director of the District of Columbia Department of Human Services, David Rivers; the commissioner on social services, Commissioner Audrey Rowe. And we look forward, as well, to Patricia Quann, who is administrator for the District of Columbia Youth Services Administration.

We're very pleased to welcome you to the witness table. We appreciate the exhaustive preparation you've made for your testimony, as well as having stayed throughout the course of the hearing, so that you will have the benefit of the testimony of the number of other witnesses.

We have your prepared testimony. And you may proceed in whatever order you choose.

STATEMENTS OF DAVID RIVERS, DIRECTOR, DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES; AUDREY ROWE, COMMISSIONER, COMMISSION ON SOCIAL SERVICES; AND PATRICIA QUANN, ADMINISTRATOR, DISTRICT OF COLUMBIA YOUTH SERVICES ADMINISTRATION

Mr. RIVERS. Thank you, Mr. Chairman.

Mr. FAUNTROY. And either to summarize or to read in toto.

May I acknowledge, just prior to your testimony, the presence of the Honorable Polly Shackleton, a member of our D.C. Council, and one of the long distance runners on questions in areas of civil rights and, particularly, the care of the elderly and the handicapped.

May I invite Mrs. Shackleton to join me here on the podium? I know that is not usual. But since I'm in charge of this committee and I look forward to the day when all of the matters affecting the citizens of the District of Columbia will be handled by our locally elected city council, may I ask that Ms. Shackleton join us here.

Now, Ms. Rowe, Mr. Rivers, you may proceed in whatever manner you wish.

STATEMENT OF MR. RIVERS

Mr. RIVERS. Thank you, Mr. Chairman.

Joining me today is our Commissioner Audrey Rowe, Commission on Social Services; Pat Quann, YSA Administration; Carl Dykes, residential placement; and Stacey Bolton, chief of our project management unit in CSS.

I am David Rivers, director of the D.C. Department of Human Services.

I am pleased to make this statement in response to the committee's request that we address concerns about the children in our care and our efforts of this department in meeting the needs of these children.

I first want to emphasize that Mayor Barry has placed a high priority on providing a wide range of effective services to all young people in the city, including those with special needs.

Some examples of his commitment to all city's youth are the Mayor's Youth Leadership Institute, which provides a forum for young people to learn about city government and other current events. Since fiscal year 1983, the institute has provided a total of 1,300 job slots at a cost of approximately $542,000.

Through the Mayor's Summer Youth Employment Program, 79,100 jobs were provided at a total cost of $69.7 million from fiscal year 1983 through 1985.

While the youth services offered by the Barry administration include programs for all youth in the city, we are also addressing the special needs of incarcerated and handicapped youth.

Jurisdictions across the country are confronted with the problems of meeting these special needs. A recently published national study on special education in correctional institutions reported that the short term as well as the indefinite period of enrollment of all handicapped offenders is a major obstacle. Parent involvement in correctional education is extremely limited. Access to local educational records for all students is rare. The vast majority of handicapped students enrolled in correctional educational programs will never return to elementary or secondary schools. In most correctional programs, students are either confined to self-contained classrooms or assigned regardless of handicapping conditions. Work assignments often take precedence over education.

Mr. Chairman, we recognize that this community is facing somewhat the same complex problems in youth services and that there is much to be done.

Under the Barry administration, we have made progress in this area. I would like to share with you some of these program efforts and accomplishments.

Programs available to address the youth problem on a broad scale are as follows. A number of employment and training programs for young people, ranging from our Cooperative Employment Education Program, a public-private partnership that trains young people in construction skills and provides rehabilitated housing for the District. A community services program, which offers an array of family counseling, self-esteem building, and educational services. An interagency youth project, which works with youths with problems.

As I stated earlier, we are also attempting to provide a wide array of quality services for children with special needs, whether they are incarcerated youth, children requiring special education, or those in both categories.

Since 1978, when Public Law 94-142 became effective, we have been moving ahead to meet the special needs of these children. In 1978, we also adopted the initial procedures and began utilizing individual education plan forms. Identification of handicapped students was by referral only.

In 1980, changes were made at Cedar Knoll and Oak Hill to bring DHS into compliance with Public Law 94-142. Routine testing was performed on all new admissions. Identification of procedures for handicapped children were established within a specified time frame. Audiological testing and preliminary monitoring procedures were initiated.

In 1981, the foundation for exceptional children project was initiated and special education regulations were adopted. In addition, an institutional care services division monitor of Public Law 94-142 was appointed. Education courses were supported, in part, by DHS to enable teachers lacking full credentials to become eligible for certification.

In 1982 and 1983, after monitoring visits from the District public school system, corrective action plans approved—adopted, developed, and approved.

In 1985, we expanded our vocational educational service to address the special needs of youth 17 years of age and older by arranging an intensive vocational education program with the occupational services industry. This program offers training in carpentry, plumbing, electrical wiring, and brick masonry, and can lead to job placement at the time of release. New corrective action plans were also formulated in response to these monitoring reports.

Recently, the Mayor formed a task force to oversee the transition of Oak Hill programs and operations.

As these steps show, we have made progress in addressing the needs and providing education to the kids with special needs.

The D.C. Department of Human Services welcomes the audit by GAO of the District government's educational program for children who are handicapped and in need of special education. We expect that this report will provide us with additional guidance for accelerating our improvements in this field.

We know that young people who feel helpless, who fail in school, who lack support from frequently overwhelmed families are at risk of harming themselves, through drug abuse, and the community, through delinquency.

Far too many young people who come into the juvenile justice system move on to our adult prisons. Every young person diverted from this cycle is an investment in the city's future and an investment in a safer community, where every young person has the opportunity to grow into a productive adult.

We have made progress in addressing both social service and educational needs of children who are committed to the care of the department.

We have already taken corrective action to respond to the D.C. public school system's monitoring finding, and it will incorporate the major findings of GAO of noncompliance with Public Law 94-142 into Oak Hill facility education.

The Youth Services Administration has made progress over the past several years, and we intend to continue.

The Receiving Home Program is recognized as an interim instructional placement in compliance with Federal standards. And Oak Hill's educational program for detained youth will soon achieve the same quality.

Oak Hill soon will have an eligibility committee and a team to develop individual educational plans for committed delinquents in compliance with the law.

Oak Hill will have a parent surrogate program.

Both the receiving home and Oak Hill now have procedures for informing parents about their child's educational record and involving them in the eligibility determination.

The receiving home and Oak Hill educational staff exchange records with D.C. public schools and the court.

Oak Hill's educational program has been geared toward preparing the older youth for independent living, while encouraging them to continue special education, once they are released, and making that possible through proper referral and records transfer.

These are major examples of changes and other improvements we have made in our efforts to provide special education to our incarcerated youth.

We realize that there is much to be done, and we are making strides in the right direction we think.

Thank you very much.

Mr. **Fauntroy**. I thank you, Mr. Rivers.

[The prepared statement and attachments of Mr. Rivers follow:]

STATEMENT OF

DAVID E. RIVERS
DIRECTOR

OF THE

D.C. DEPARTMENT OF HUMAN SERVICES

BEFORE THE

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA

U.S. HOUSE OF REPRESENTATIVES

ON THE

IMPLEMENTATION OF P.L. 94-142

FOR HANDICAPPED DELINQUENTS IN THE DISTRICT OF COLUMBIA

SEPTEMBER 10, 1985

- A NUMBER OF EMPLOYMENT AND TRAINING PROGRAMS FOR YOUNG PEOPLE RANGING FROM OUR COOPERATIVE EMPLOYMENT EDUCATION PROGRAM, A PUBLIC/PRIVATE PARTNERSHIP THAT TRAINS YOUNG PEOPLE IN CONSTRUCTION SKILLS AND PROVIDES REHABILITATED HOUSING FOR THE DISTRICT, TO NUMEROUS SELF-SUFFICIENCY PROGRAMS;
- A COMMUNITY SERVICES PROGRAM WHICH OFFERS AN ARRAY OF FAMILY COUNSELING, SELF-ESTEEM BUILDING AND EDUCATIONAL SERVICES TO YOUTH WHO LIVE AT HOME; AND,
- AN INTER-AGENCY YOUTH PROJECT WHICH WORKS WITH YOUTH WITH MULTI-FACETED PROBLEMS.

AS I STATED EARLIER, WE ARE ALSO ATTEMPING TO PROVIDE A WIDE ARRAY OF QUALITY SERVICES FOR CHILDREN WITH SPECIAL NEEDS, WHETHER THEY ARE INCARCERATED YOUTH, CHILDREN REQUIRING SPECIAL EDUCATION OR THOSE IN BOTH CATEGORIES.

SINCE 1978, WHEN P.L. 94-142 BECAME EFFECTIVE, WE HAVE BEEN MOVING AHEAD TO MEET THE SPECIAL NEEDS OF THESE CHILDREN. IN 1978, WE ALSO ADOPTED THE INITIAL PROCEDURES, AND BEGAN UTILIZING INDIVIDUAL EDUCATION PLAN FORMS; IDENTIFICATION OF HANDICAPPED STUDENTS WAS BY "REFERRAL ONLY".

IN 1980, CHANGES WERE MADE AT CEDAR KNOLL AND OAK HILL TO BRING DHS INTO COMPLIANCE WITH P.L. 94-142. ROUTINE TESTING WAS PERFORMED ON

GOOD MORNING, I AM DAVID RIVERS, DIRECTOR, D.C. DEPARTMENT OF HUMAN SERVICES (DHS). I AM PLEASED TO MAKE THIS STATEMENT IN RESPONSE TO THE COMMITTEE'S REQUEST THAT WE ADDRESS CONCERNS ABOUT THE CHILDREN IN OUR CARE AND SPECIFICALLY THE EFFORTS OF THIS DEPARTMENT IN MEETING THE NEEDS OF THESE CHILDREN.

I FIRST WANT TO EMPHASIZE THAT MAYOR BARRY HAS PLACED HIGH PRIORITY ON PROVIDING A WIDE RANGE OF EFFECTIVE SERVICES TO ALL THE YOUNG PEOPLE IN THIS CITY, INCLUDING THOSE WITH SPECIAL NEEDS. SOME EXAMPLES OF THIS COMMITMENT TO ALL OF THE CITY'S YOUTH ARE:

- THE MAYOR'S YOUTH LEADERSHIP INSTITUTE, WHICH PROVIDES A FORUM FOR YOUNG PEOPLE TO LEARN ABOUT CITY GOVERNMENT AND OTHER CURRENT EVENTS. SINCE FISCAL YEAR 1983, THE INSTITUTE HAS PROVIDED A TOTAL OF 1,300 JOB SLOTS AT A COST OF APPROXIMATELY $542,000.
- THROUGH THE MAYOR'S SUMMER YOUTH EMPLOYMENT PROGRAM, 79,100 JOBS WERE PROVIDED AT A TOTAL COST OF $69.7 MILLION FROM FISCAL YEAR 1983 TO 1985.

WHILE THE YOUTH SERVICES OFFERED BY THE BARRY ADMINISTRATION INCLUDE PROGRAMS FOR ALL YOUTH IN THE CITY, WE ARE ALSO ADDRESSING THE SPECIAL NEEDS OF INCARCERATED AND HANDICAPPED YOUTH. JURISDICTIONS ACROSS THE COUNTRY ARE CONFRONTED WITH THE PROBLEM OF MEETING THESE SPECIAL NEEDS.

A RECENTLY PUBLISHED NATIONAL STUDY ON SPECIAL EDUCATION IN CORRECTIONAL FACILITIES REPORTED THAT:

- THE SHORT-TERM AS WELL AS INDEFINITE PERIOD OF ENROLLMENT OF HANDICAPPED OFFENDERS IS A MAJOR OBSTACLE;
- PARENT INVOLVEMENT IN CORRECTIONAL EDUCATION IS EXTREMELY LIMITED;
- ACCESS TO LOCAL EDUCATION RECORDS FOR STUDENTS IS RARE;
- THE VAST MAJORITY OF HANDICAPPED STUDENTS ENROLLED IN CORRECTIONAL EDUCATIONAL PROGRAMS WILL NEVER RETURN TO ELEMENTARY OR SECONDARY SCHOOLS;
- IN MOST CORRECTIONAL PROGRAMS, STUDENTS ARE EITHER CONFINED TO SELF-CONTAINED CLASSROOMS OR ASSIGNED, REGARDLESS OF HANDICAPPING CONDITION, TO ADULT BASIC EDUCATION CLASSES; AND,
- WORK ASSIGNMENTS OFTEN TAKE PRECEDENCE OVER EDUCATION.

WE RECOGNIZE THAT THIS COMMUNITY IS FACING THE SAME COMPLEX PROBLEMS IN YOUTH SERVICES, AND THAT THERE IS MUCH TO BE DONE. UNDER THE ADMINISTRATION OF MAYOR BARRY, HOWEVER, WE HAVE MADE SIGNIFICANT PROGRESS IN THIS AREA.

I WOULD LIKE TO SHARE WITH THE COMMITTEE SOME OF THESE PROGRAM EFFORTS AND ACCOMPLISHMENTS. PROGRAMS AVAILABLE TO ADDRESS YOUTH PROBLEMS ON A BROAD SCALE, INCLUDE:

ALL NEW ADMISSIONS. IDENTIFICATION OF PROCEDURES FOR HANDICAPPED CHILDREN WERE ESTABLISHED WITHIN A SPECIFIED TIME FRAME. AUDIOLOGICAL TESTING AND PRELIMINARY MONITORING PROCEDURES WERE INITIATED.

IN 1981, THE FOUNDATION FOR EXCEPTIONAL CHILDREN'S PROJECT WAS INITIATED AND SPECIAL EDUCATION REGULATIONS WERE ADOPTED. IN ADDITION, AN INSTITUTIONAL CARE SERVICES DIVISION MONITOR OF P.L. 94-142 WAS APPOINTED. EDUCATION COURSES WERE SUPPORTED IN PART BY DHS TO ENABLE TEACHERS LACKING FULL CREDENTIALS TO BECOME ELIGIBLE FOR CERTIFICATION.

IN 1982 AND 1983, AFTER MONITORING VISITS FROM THE DISTRICT PUBLIC SCHOOL SYSTEM, CORRECTIVE ACTION PLANS WERE DEVELOPED AND APPROVED.

IN 1985, WE EXPANDED OUR VOCATIONAL EDUCATION SERVICES TO ADDRESS THE SPECIAL EDUCATION NEEDS OF YOUTH 17 YEARS OF AGE AND OLDER BY ARRANGING AN INTENSIVE VOCATIONAL EDUCATION PROGRAM WITH OCCUPATIONAL INDUSTRIES CENTER. THIS PROGRAM OFFERS TRAINING IN CARPENTRY, PLUMBING, ELECTRICAL WIRING AND BRICK MASONRY AND CAN LEAD TO JOB PLACEMENT AT THE TIME OF RELEASE. NEW CORRECTIVE ACTION PLANS WERE ALSO FORMULATED IN RESPONSE TO MONITORING REPORTS.

RECENTLY, THE MAYOR FORMED A TASK FORCE TO OVERSEE THE TRANSITION OF OAK HILL PROGRAMS AND OPERATIONS.

AS THESE STEPS SHOW, WE HAVE MADE PROGRESS IN ADDRESSING THE PROBLEMS OF PROVIDING EDUCATION TO YOUTHS WITH SPECIAL NEEDS.

THE DEPARTMENT OF HUMAN SERVICES WELCOMES THE AUDIT BY THE GENERAL ACCOUNTING OFFICE OF THE DISTRICT GOVERNMENT'S EDUCATIONAL PROGRAMS FOR CHILDREN WHO ARE HANDICAPPED AND IN NEED OF SPECIAL EDUCATION. WE EXPECT THAT THIS REPORT WILL PROVIDE US WITH ADDITIONAL GUIDANCE FOR ACCELERATING OUR IMPROVEMENT EFFORTS IN THIS FIELD.

WE KNOW THAT YOUNG PEOPLE WHO FEEL HELPLESS, WHO FAIL IN SCHOOL, WHO LACK SUPPORT FROM FREQUENTLY OVERWHELMED FAMILIES ARE AT RISK OF HARMING THEMSELVES THROUGH DRUG ABUSE, AND THE COMMUNITY THROUGH DELINQUENCY. FAR TOO MANY YOUNG PEOPLE WHO COME INTO THE JUVENILE JUSTICE SYSTEMS MOVE ON TO OUR ADULT PRISONS.

EVERY YOUNG PERSON DIVERTED FROM THIS CYCLE IS AN INVESTMENT IN OUR CITY'S FUTURE AND AN INVESTMENT IN A SAFER COMMUNITY, WHERE EVERY YOUNG PERSON HAS THE OPPORTUNITY TO GROW INTO A PRODUCTIVE ADULT.

WE HAVE MADE PROGRESS IN ADDRESSING BOTH SOCIAL SERVICE AND EDUCATION NEEDS OF YOUTH WHO ARE COMMITTED TO THE CARE OF THE DEPARTMENT.

WE HAVE ALREADY TAKEN CORRECTIVE ACTION TO RESPOND TO THE D.C. PUBLIC SCHOOL SYSTEM'S MONITORING FINDING, AND WILL INCORPORATE THE MAJOR GAO FINDINGS OF NON-COMPLIANCE WITH 94-142 INTO OUR OAK HILL FACILITY EDUCATION PROGRAM.

THE YOUTH SERVICES ADMINISTRATION HAS MADE PROGRESS OVER THE PAST SEVERAL YEARS, AND WE INTEND TO CONTINUE TO IMPROVE THE QUALITY OF LIFE FOR YOUTH IN THIS COMMUNITY. I WOULD NOTE THAT:

- THE RECEIVING HOME PROGRAM IS RECOGNIZED AS AN INTERIM INSTRUCTIONAL PLACEMENT IN COMPLIANCE WITH FEDERAL STANDARDS, AND OAK HILL'S EDUCATIONAL PROGRAM FOR DETAINED YOUTH WILL SOON ACHIEVE THE SAME QUALITY.
- OAK HILL WILL SOON HAVE AN ELIGIBILITY COMMITTEE AND A TEAM TO DEVELOP INDIVIDUAL EDUCATIONAL PLANS FOR COMMITTED DELINQUENTS IN COMPLIANCE WITH P.L. 94-142.
- OAK HILL WILL HAVE A PARENT SURROGATE PROGRAM; BOTH THE RECEIVING HOME AND OAK HILL NOW HAVE PROCEDURES FOR INFORMING PARENTS ABOUT THEIR CHILD'S EDUCATIONAL RECORD AND INVOLVING THEM IN THE REQUEST FOR ELIGIBILITY DETERMINATION. IN THE FUTURE, OAK HILL WILL INCLUDE PARENTS IN THIS DEVELOPMENT OF THESE PLANS.
- THE RECEIVING HOME AND OAK HILL EDUCATIONAL STAFF EXCHANGE RECORDS WITH D.C. PUBLIC SCHOOLS AND THE COURT.
- OAK HILL'S EDUCATIONAL PROGRAM HAS BEEN GEARED TOWARDS PREPARING THESE OLDER YOUTH FOR INDEPENDENT LIVING, WHILE ALSO ENCOURAGING

THEM TO CONTINUE IN SPECIAL EDUCATION ONCE THEY ARE RELEASED AND MAKING THAT POSSIBLE THROUGH PROPER REFERRAL AND RECORDS TRANSFER.

THESE ARE MAJOR EXAMPLES OF THE PROGRAM CHANGES AND OTHER IMPROVEMENTS WE HAVE MADE IN OUR EFFORTS TO PROVIDE SPECIAL EDUCATION SERVICES TO OUR INCARCERATED YOUTH. WE REALIZE THAT THERE IS MUCH TO BE DONE, BUT WE ARE MAKING GREAT STRIDES IN THE RIGHT DIRECTION.

THANK YOU. I WILL BE PLEASED TO RESPOND TO YOUR QUESTIONS.

YESTERDAY, TODAY AND TOMORROW: CORRECTIONAL SPECIAL EDUCATION, FIVE YEARS LATER

Susan Brown

In 1979, the Journal for Exceptional Children published an article which was co-authored by Michael Robbins and myself. That article was entitled "Serving the Special Education Needs of Students in Correctional Facilities" and it was one of the first articles which began to look at the questions of program development for handicapped students in correctional facilities.

Prior to that, however, in 1977 the Council for Exceptional Children hosted what was probably one of the first forums for the handicapped incarcerated. Alan Abeson, who was at that time assistant director for the Council of Exceptional Children, chaired that forum when it was held during CEC Conference in Chicago. At that meeting he made the first public statement that I'm aware of that handicapped students who are incarcerated hold the same right to public education as do any other handicapped individuals.

If you'll recall it was in 1975 that P.L. 94-142 was signed by then President Gerald Ford. It has been now over almost nine years since the implementation of that law and I believe it's safe to say that Correctional Special Ed is not nine years down the road.

About the same time that the law was authored, many public school programs were beginning to develop and expand their due process procedures and other compliances around the law. Many already had in-place programs for the handicapped and it was necessary then for them only to develop the support systems of legal compliance in order to comply with the law.

The first issue had to do with the responsibility of courts to recognize that individuals might have handicapping conditions. I'm sorry to say that at this point in time we still are not getting accurate enough information from the courts. There has been a nucleus of interest and energy in some of the juvenile courts to identify students with specific learning problems and to recognize those students needs prior to making adjudication decisions. These activities in these courts are too few and too far between.

The second issue on the role of the natural parent or legal guardian is one that in many states has still not yet been addressed. The literal interpretation in the case law decisions regarding parent and surrogacy have overwhelmingly indicated that the natural parent for students under 18 must still be involved in the special education process, but the constraints of how to do this when students reside in facilities that are not in proximity to location of the home of the parents continues to be a perplexing problem for many state agencies.

The actual identification of students is a third issue which continues to be a problem when you're dealing with adolescents and even older students between the ages of 18 and 21 who have developed masking behaviors and coping mechanisms. We are still not to the point where we have sophisticated enough assessment material that we are accurately able to differentiate learning related problems from those which are social or emotional or to differentiate problems of retardation from those which are primarily due to cultural or environmental deprivation.

for post-secondary, post-graduate and pre-service programs for teachers who are interested in working with correctional populations. In most cases I'm pleased to say that these programs tend to be within special education programs but you also can find them within criminal justice sciences, within secondary education and also in some cases within the social work department.

The seventh area of need was the relationship of the local agencies to that of the institution on re-entry and again I'm sorry to say that in most cases we still do not have a front-to-back comprehensive system which will identify students early on in their educational careers. Should they find their way into the correctional system we have no good method to allow us to have access to prior information so that we can continue to provide them with the special programs necessary to meet their needs. That's the weakness on the front end of the system but it's unfortunately true that the back end of the system is equally poor. In most cases a student who leaves the correctional facility may go back to a public school which was not his originating school district (if in fact, he goes back at all). He may or may not be under the supervision of a paroling authority and he may or may not have information transferred along with him that-provides his eligibility for continuing special educatio services. The one area in which we seem to have had the most success is with students entering the community college system who are able to get into these special ed remedial programs that most junior colleges are now able to offer to students. Most public secondary schools however are reluctant to take the students back into their school system who were the original failures in that system sometime before their correctional experience.

operational before we begin to develop research models we will continue to be woefully behind. It's important for us right now that we develop research models that tell us what programs ought to be developed.

There were three major courses of action that we suggested five years ago and the first one was at the local level to create an environment that reflects positive attitudes toward change. I find that it's probably one of the most difficult areas to deal with in developing new programs. Initially to convince people that those programs need to exist, second of all to convince them to exist at the expense of other programs. State government and correctional institutions do not have the luxury of being able to add programs, staff, facilities, machines, equipment or materials whenever they are needed and, if a new program needs to be developed, it often has to be done at the expense of another. This kind of change is not comforting to staff who've been in programs for a long, long time, programs which have had success in the education arena, the vocational arena or the treatment arena. Special education crosses all of those dimensions and it has had to appear within correctional facilities sort of with its hat in its hand as if to say we're here to offer you a better way and that way may have to be instead of something you are already presently doing. This requires total support. Special Education is inter-disciplinary and it relies on the inter-disciplinary correctional model. It is essential that there is support throughout the total institution. The local level involves endorsement for program development in liason with local public school agencies. At the state level we few years that I was involved with special education in corrections that I would meet professional educators, psychologists, counselors, therapists and other staff who told me that there were no handicapped students within the correctional facilities. I presume that because there weren't people with missing limb or blindness or hearing aids that they didn't see any handicapped individuals. It's extremely important that we break that myth, that the notion that learning disabilities and behavior disorders and other health impairments those unseen handicaps which affect learning need to be made a part of the general awareness of all staff working within correctional facilities. A sub-set of this first old myth is that the notion that "he's doing okay in my class" and if "he's doing okay in my class," there can't be anything wrong with him. I think we already are aware that many teachers already use techniques of special education in working with students successfully and may teachers have found methods and materials which work well with these students. Yet just because "they're doing okay in class" doesn't necessarily mean that they aren't eligible for special education programs or that their eligibility wouldn't necessarily provide them with services on the outside when they are ready to go. The "he's doing okay in my class" syndrome is one of the most dangerous because it results in our being unable to see the forest for the trees. When we have a whole classroom full of students with specific learning and/or behavioral problems, one student doesn't stand apart from any of the others to any large degree. Most of our research seems to indicate that between 30 and 40 percent of the students within correctional facilities have learning and/or behavior problems and, if that's true, if 30 or 40 percent of the class are behaving similarly, then got to be circumvented whether it's legislatively or administratively.

The fourth myth is that security comes first. It always concerns me when someone espouses this because I wonder why they feel that security and special ed are mutually exclusive. We all know that working within correctional environments that security has to be the first consideration. Safety is always first and we design all of our programs with those thoughts in mind. It's impossible for me to understand that Special Education cannot be developed along those same premises. Though we may lower staff ratios, though we may provide specialized kinds of services, we always have developed them with safety and with security in mind. We recognize, as always, that even when we look at outside-of-the-institution placements for specialized needs, that those can work only with the support of institution-l personnel. There is no reason why students can't receive the full range of services if they are available to them within the local area, but not within the institutional compound.

The fifth myth is one which says "if it's so magical, why isn't it fixing them." This is the notion that if special education is so perfect how come students don't change overnight. You can almost envision people sitting there watching special ed classrooms expecting a student to leave transfixed. We're looking at students who, in most cases, have had seventeen or more years of school and personal failure. They have dealt unsuccessfully with many of their handicapping conditions and probably in many cases have not been adequately identified or adequately served prior to their coming to the facility. We're trying to undo all these years of damage and that can't all happen overnight. In many cases the prognosis for success may be very slim. In fact, we're not going to be able to train them all to

In corrections then I would propose that we should look at a different kind of cascade, one which would begin with the least amount of intervention which would be the mainstream regular program whether this mainstream regular program is based on living unit assignments, on academical, vocational or age levels. Program development in regular class is the first level of intervention. The highest level of intervention would be for those students who are either segregated or otherwise isolated and it's important to recognize that that level of segregation and isolation is still entitled to program intervention and program support if students wave IEPs. Along the continuum we need to look at alternatives that do provide students with the opportunity to have a full range of services necessary.

One of the major problems the institutions have is due to the nature of confinement. They don't have comprehensive services available and they have a tendency to not provide service if it's not accessible to them. We need to continue to look for creative alternatives for services. For example, contracting for the additional services of specialists if those kinds of persons are not on permanent staff. School districts and local public agencies have staff in support services who can frequently arrange to serve special institutional needs. In many instances students who have severe low incidence handicaps such as deafness or blindness have been taken to programs out of the facility. It's impossible to attempt to duplicate these services within the confines of the institutions and it's often necessary to think of the continuum of services without considering the constraints of the fences. It's also important to look at the resources within the community to find

Another aspect of this program continuum is that we have to continually link the academic work to whatever vocational or work experience he has, to whatever treatment programs he has, and we have to link all of them toward this preparation for relevence. One way to achieve this is through the incorporation of private business and industry because the private sector is the one that will ultimately be employing our students when they're released. There is also a need to build partnerships with the unions. Traditionally students who have been incarcerated may be precluded from journeymen or tradesmen occupations so it's important that we have the involvement of the unions as we develop programs. The labor force can be augmented by the kinds of students that we have, whose skills may not be highly developed, but communication must be established which can flow both ways. Probably the last thing we need to look at in terms of the continuum of program development should be built in from the beginning, and that is accountability. We've got to be able to measure and evaluate the effectiveness of our programs and we've got to do it in a way that goes far beyond body counts. To date the only meaningful data that's collected in any program I'm aware of is a count of the number of IEP's and a count of the kinds of handicapping conditions we have at any given time. I think that that information is the least useful information for program evaluation and program effectiveness. Rather, it's important that we talk about how well programs are working but that we look at what programs have as needs in terms of making program modification. Too often we develop programs in a static way and we expect them to last perpetually without any adaption or change. A measure of accountability is the adaptability of a program. Can it be flexible to the changing environment of the correctional

The final phase of the career education model is placement and follow up and as we've already discussed it's important that we look at the world of work in terms of getting jobs, keeping jobs, getting students released from facilities in order to become a meaningful part of society. We have to develop all of our curriculum along this same line. We have to integrate a curriculum program that is directed toward a competency based model that brings students through these full range of experiences into the career, employability and citizenship role.

In their textbook "Career Education for the Handicapped" Brolin and Kokaska identified twenty-two specific competencies that students should develop in a full range of curriculum and divided them into three areas:

1) The Daily Living Skills
2) The Personal Social Skills
3) The Occupational and Guidance Preparational Skills

In the first area of daily living skills they identify nine. These include:

Personal finances
Maintaining a home
Personal needs
Children and family
Food selection and preparation
Clothes
Physical activities
Recreation, leisure and mobility

Senator Pell, in speaking to the Forum on Correctional Education in April, said that the "camel's nose is already under the tent." We've got to be coming together to bridge those gaps between us and within us so that we have a common bond, so that we can recognize the needs of our common bond which is the student.

I think too often those of us who work in jails and prisons compete with one another for resources and funding. Those of us who work in the State system compete with the county system. Those who work in community-based organizations find themselves in opposition to those who work in State and local levels. We can't continue to work against one another if in fact our produce is the same and our objective is the same.

Those of us who work in Special Ed have got to stop competing with those who work in regular Education. Those who work for the State Education Agency have got to stop competing with those who work with Department of Corrections. Those who work with institution have got to stop competing with the community placements and parole. Within the County, State and Federal systems, all of us, must work together for no longer are we focusing on and recognizing these students' limitations but rather we're focusing their attentions and ours to their potential and that I believe is the hope for the future of correctional special education.

Results of A National
Correctional/Special Education Survey

By

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Results of a National
Correctional/Special Education Survey

> "Experienced advocates of the interests of institutionalized (i.e., delinquent) children are relatively unwelcome in a law and order society. Pleading the cause of the sixteen year old murderer, purse snatcher, multiple burglar, or just plain 'incorrigible' is a lonely pastime not particularly conducive to increased popularity. Presently, the rush to pour public resources into quality treatment for institutionalized children has been more like a saunter, and [in] some institutions, a dead stop. A few states have shifted into reverse."
>
> (Keenan & Hammond, 1979, p. 373)

Special education programming for wards and inmates of correctional institutions has never been a service delivery priority. Many other issues take precedence over such programming. The handicapped ward or inmate has rarely been considered a priority except when s/he has disrupted an institution. Special needs learners are not often identifed within the institutional environment. They may be inmates who are always the brunt of jokes, the last to finish institutional assignments, those with uncontrollable tempers, or the "dumb" ones. Programming for such individuals generally centers on attempts to diminish the effects of the disruptive behavior.

Attempts to remediate the deficits of educationally handicapped inmates are usually provided within the general correctional education (CE) delivery system. These attempts may take the form of adult basic education, "remedial" (elementary) education, or subject area instruction. Distinctions can be found between CE division programming in the successful achievement of individual needs of their students. An experienced correctional educator may be able to teach to the student's strengths and weaknesses. Frequently there is no comprehensive structure for the provision of specialized services to the special needs learner.

The problem addressed by the present study centers on an attempt to determine the nature and levels of service delivery of special education in correctional facilities across the country. The areas of correctional/special education service delivery that state programs consider difficult to implement were determined, study and some of the strategies employed to remeidate problems were identified.

Development of Correctional Special Education

The historical development of CE has progressed over rocky periods of sporadic activity. CE in institutions began in the form of "Sabbath Schools", in which highly motivated students were taught to read the Bible (Roberts, 1971). Generally, this meant "meritorious" inmates who displayed an above average capability. The "slow learner" was not considered for these educational benefits in most instances because s/he could not perform in an exemplary fashion.

In the late 19th century, some efforts were made to educate the incarcerated handicapped learner. At Elmira Reformatory, under the guidance of Zebulon Brockway, a number of prototypic experiments were tried (Brockway, 1969). Some of the innovations attempted at Elmira included attention to diet, exercise, and massage (McKelvey, 1977).

Some improvements in education for the exceptional inmate were developed in the late 1930's. In 1939, in the First Yearbook of the Commission on Education, Correctional Education Today, a chapter was included on "Special Types of Education" (MacCormick, 1937). The chapter was designed to detail goals for the education of a number of handicapped groups, and provided a series of educational strategies for remediation of problems. A "Considerations for Teaching" section was provided in the chapter, and remains relevant today. It included a list of suggestions: "1) everything which is taught must be within the comprehension of the individual, 2) short units are essential so that they will come well within the limits of attention, 3) realization of attainment must come within short periods of time and not be projected into the future, 4) tasks should be of a repetive nature but graded in learning sequence,...7) the program as a whole should be directed towards improvement of physical condition so that coordination of motor activities may be naturally stimulated, and 8) ...the whole program should be representative of a satisfactory way of living within attainable limits so that social competence within such limits can be vividly illustrated" (Wallack, 1939, p. 245).

Also detailed were student characteristics that should be considered in programming "1) low mental level, 2) low adaptability, 3) low type motor abilities, 4) personal factors, such as being and having been easily discouraged, 5) possible emotional instability, 6) suggestibility, 7) slowness in recognizing hazards, and 8) lack of appreciation of goals, little perserverance and lack of ability for self criticism" (Wallack, 1939, p. 245).

These suggestions and characteristics are, in some cases, similar to those espoused in modern special education teacher training programs. Although terminology has altered to some degree, the basic tenets are closely related. They were clearly innovations for the time in education of the handicapped student.

These examples indicate some level of activity for the handicapped inmate. As a trend, however, services have been limited throughout our history. The education of handicapped wards and inmates was not universally recognized, developed, or applied until the enactment of recent legislation.

The passage of the Education of All Handicapped Children Act Public Law 94-142 in 1975, set new precedents for educating students. It was passed after legislative activity at both state and federal levels. A precurser of particular importance as was Section 504 of the Rehabilitation Act of 1973, (P.L. 93-112) which established the right of free access to programs for all people. Passage of P.L. 94-142 followed a national movement of increased attention to the needs of handicapped children. The struggle for the right to education for all American children, no matter what the level or location, has been called a "quiet revolution" (Dimond, in Weintraub, Abeson, Ballard, and Lavor, 1976). P.L. 94-142 has been a landmark case of citizen advocacy resulting in changed legislation and modes of thinking. The long-term effects, yet to be seen, will determine lasting change.

Since P.L. 94-142 went into effect in 1978, the provision of specialized educational services to the special needs learner has been federally mandated. This federal legislation, as well as frequently more restrictive state laws, has established specific levels of service delivery for all handicapped children from the ages of two to twenty-one. Implementation has been a difficult process. Public school systems have been struggling to ensure appropriate educational services for the handicapped according to the mandates, and many compaigns on behalf of handicapped learners have required litigative reinforcement. Most systems have now reached a point in their development where they do provide services for the handicapped child in their schools, but even so, some problems remain.

P.L. 94-142 is very specific in detailing guidelines for implementation of special education services. The Act mandates educational services for the handicapped which will assist in the remediation of their deficits. Efforts must be directed toward finding, screening, identifying, evaluating, and serving the educationally handicapped. These children and young people are to be served with specialized education according to their needs, regardless of the expense or the child's physical location.

There are several groups for whom such specialized educational services have been deficient, and, to an extent, remain so. One such group is the population of handicapped juveniles and adults incarcerated in correctional facilities across the county. With the passage of P.L. 94-142, school systems began to focus on providing services according to the requirements. Initially, the incarcerated individual was not considered eligible for special education services under the Act.

Implementation of P.L. 94-142 in corrections programs, as is the case with most institutional change, has come slowly. There have been a number of difficulties in providing services to the correctional student. One dimension of the problem relates to the concept of inmate ineligibility for such specialized services. Decision-makers believed that an inmate relinquished rights to education upon incarceration. There is also no vocal advocacy or constituency group that compaigns for the rights of this population. Parents are often not available, or have just "had enough". If over eighteen, the inmate is considered an adult for all purposes, including education. An inmate, and particularly one with poor skills, may perceive her/himself as without power. There has been little impetus to require implementation, so service delivery has lagged.

Until around 1978, most CE programs did not begin to address the provision of comprehensive services for the handicapped ward or inmate. This has begun to improve in recent years. Efforts are beginning in the development of special education services for the population of the incarcerated handicapped.

Several innovative programs across the country are already under investigation. Some of these can be found in adult correctional facilities. For example, in the state of New York, classification programs at several adult institutions have been initiated. This includes screening, diagnosis, and consultant services (Quinn, 1982). A committee is currently studying the steps which will be necessary to attain full compliance (DOCS, 1982).

Louisiana has developed one of the most comprehensive adult service programs currently known. The impetus for development of these programs was a federal court order. The order required that, along with a number of other services, special education be available in adult correctional facilities (Parker, p. 24). A pupil appraisal system has been developed at the Adult Reception and Diagnostic Center, and provides screening, evaluation, identification, and placement services for incoming adults (Pupil Appraisal Services), 1982.

Methods

Several assumptions were made regarding a study of incidence levels. First, it was assumed that special education services would be more highly developed in programs for incarcerated juveniles than for adults. This was expected to be found even in adult institutions with large under twenty-one year-old populations. Education for juveniles is considered a right; for adults it is more often considered a privilege. This assumption was based on past practice in CE. The development of educational programming in adult institutions has progressed slowly. Education sometimes competes with other institutional programs such as industries or work details. Education is not prioritized in such conflicts, especially when the more intense needs of an educationally handicapped learner are considered. All of these factors contribute to the complication of service delivery as well as to the problem of accuracy in recording.

A second assumption is the generally accepted view that levels of educationally handicapping conditions are higher among the incarcerated than among public school or non-residential populations. Some research studies have indicated that the problem in determining the prevalence of handicaps among the incarcerated is a significant one. Data collected by the Rehabilitative School Authority, Virginia's CE district, reflect percentages of handicapped juveniles as ranging from 35 to 45 percent of the population. Many estimates suggest an even higher number. The exact level is not known, but it is clear that the problem is serious enough to be addressed. Almost 95 percent of all wards and inmates eventually will return to free society. A third assumption is that their ability to function must be improve if we are to diminish the likelihood of recidivism.

Current estimates of incidences of handicapping conditions range dramatically, from 0 to 100 percent. There is no definitive work which can give us a percentage of handicapped inmates. Often the estimate is determined by organizational priorities. Links between learning disabilities and juvenile delinquency have been suggested. Juvenile delinquency is often attributed to the presence of learning problems (e.g., Zaremba, 1979). A common estimate among CE practitioners is that approximately 40 to 45 percent of the inmate population is educationally handicapped.

A cursory look at state CE programs indicates that actual service delivery for the special needs population is much lower than estimates of prevalence. This means that significant numbers of handicapped students are currently not able to access special education services. Little has been done to discover exactly what services are available in correctional facilities. Most State Divisions of Special Education have focused energy and resources on public school implementation, and have not identified the incarcerated population as a service delivery priority until recent years. This has contributed to the slow pace with which services have been developed. A first effort should be directed toward determining the level to which these programs have been implemented.

Morgan (1979), attempted to determine incidence levels of handicapping conditions in correctional facilities. He discovered that awareness regarding the handicapped is higher in juvenile facilities that in adult. Morgan also found that remediation programs in juvenile systems were better developed. In many adult systems, administrators may not even be aware that their structure is contrary to the mandates of P.L. 94-142 (Morgan, 1979).

Instrumentation

An open-ended survey questionnaire was developed to obtain answers about the implementation of special education regulations as specified by P.L. 94-142. A system was defined as a CE service delivery agency.

A secondary effort was directed toward attempting to gather data about ways in which different systems have approached implementation.

The instrument was a self-made survey reflecting questions on special education implementation. The format for the Survey was mixed to include yes-no responses and short answer descriptions. A request was made on each survey for the return of any state plans on correctional/special education that had been developed.

Subjects

The subjects were correctional education and administrators from every state, including Hawaii and Alaska, and the possessions of Puerto Rico and the Virgin Islands. Since youth and adult correctional education services are often provided through different agencies in a state, it was frequently the case that more than one questionnaire was distributed to each state. The names of subjects and corresponding agencies were selected from the Correctional Education Association (CEA) Correctional Education Directory.

Procedure

The Survey was developed to include questions about those areas which present difficulties for implementing special education in correctional facilities. These areas were based on problems articulated by members of the CEA Correctional/Special Educators' Network. The specific problems identified in the survey resulted from information gained through several years of interaction between correctional and special educators possessing experiences at both the classroom and administrative levels. Other items included reflected problem areas identified in the research literature. Questions were framed in nonthreatening language to the extent possible. A draft of the Survey questions was sent to members of the CEA Correctional/Special Educators Network Planning Committee for review prior to mailing, to help improve test validation.

Data Analysis

Since a variety of information was collected by the Survey, several techniques were employed to analyze the results. Some of the responses were tabulated statistically, although elaborate statistical analysis was not warranted. Narrative material was evaluated for specific ideas about identified problems and solutions. State or program plans collected were reviewed and indexed.

Limitations

One threat to the validity of the results is the problem of generalizing the results. The responses received may reflect those systems which have taken a proactive role in implementing special education services. Those not responding may compose a higher percentage of states which do not have highly developed levels of implemention. For these reasons, it is dangerous to make broad assumptions about the results. The nature of the study is such that generalizing to other programs or to the entire country is not possible. Current litigation surrounding correctional/special education services could have had some effect on the survey. Recent litigative efforts may have encouraged systems to implement programming, or perhaps discouraged recipients from returning accurate information. Although this impact cannot be controlled, it should be considered when reviewing the results.

A survey of this type can be very beneficial in gathering data. It can also be used as a first step in determining what services are available to the incarcerated handicapped individual. Such an instrument is designed to investigate educational services only, and as self-reported data, is subject to respondent interpretation.

Results and Discussion

Ninety-four (94) surveys were sent to CE systems across the United States. Forty-eight (48) questionnaires were returned, or a 51 percent response rate. Of the 48 responses, 17 returned information regarding the development of their state programs, generally in the form of state plans. Systems were categorized as youth CE programs, adult programs, or those providing both youth and adult CE. The systems responding were more frequently youth programs than adult, at the following rates:

Program	Responses	Percentage
Youth	20	42%
Adult	17	35%
Both	11	23%
TOTAL	48	100%

Correctional education service delivery was most frequently provided by the State Department of Correction (52 percent). Some states with service delivery provided through Departments of Youth Juvenile Services listed their structure as "other", rather than as a Department of Correction. Of the responses received, 16 percent stated that CE was delivered by a correctional school district. State Departments of Education were given as CE service providers in six percent (6%) of the responses. Additional responses regarding overall program structure included Departments of Social Services, Divisions for Children and Youth, or Youth Divisions.

A total of 37 states responded to the survey. In a number of cased, a response from both the youth and adult systems for the state was received. The following is a list of respondent states and the way they described themselves:

State	Program	State	Program
Alabama	Adult	Montana	Y & A
Alaska	Adult	Nevada	Y & A
Arizona	Youth	New Hampshire	Y & A
Arkansas	Both	New Jersey	B
California	Y & A	New York	Y & A
Connecticut	B	North Carolina	A
Florida	A	Ohio	Y & A
Hawaii	B	Oklahoma	A
Illinois	Y	Pennsylvania	Y & B
Iowa	Y	Rhode Island	A
Kansas	Y	South Carolina	Y
Louisiana	B	Federal Bureau	A
Maryland	Y & A	South Dakota	B
Massachusetts	Y & A	Texas	Y & A
Maine	B	Vermont	Y
Michigan	Y	Virginia	B
Minnesota	B	Virgin Islands	Y
Missouri	A	Washington	Y
		Wisconsin	B

A defined special education program was cited in 60 percent of the responses. Of that number, 72 percent were located in youth programs or programs providing both youth and adult services. The defined special education program was not always available to all eligible students, however. In only 50 percent of the respondents' programs was special education offered to all eligible students. Eighty percent of the programs providing services to all eligible students were youth programs or both youth and adult systems. A smaller number of respondents (42%) reported that their program received funding through P.L. 94-142. Of that number, 80 percent of the systems receiving P.L. 94-142 funding were classified as youth or both youth and adult. This may indicate that special education for youth systems is more highly developed than for adult systems, because to receive funding they must be providing services.

In response to questions regarding percentages of identifed handicapped in the respondent systems, a diverse range was reported. The percentages ranged from 0-95 percent, with an average of 29.4 percent. The highest percentages of specific handicaps were found in the categories of the emotionally disturbed, learning disabled, and mentally retarded, in that order. In the category of emotionally disturbed, the range was from 0-90 percent, with a mean of 35.5 percent. The range for learning disabilities was 0-84 percent, with a mean of 20 percent. Responses for the category ranged from zero (0) to thirty percent (30%), for a mean of eight -point six percent (8.6%). Some caution should be exercised in assuming accuracy of the reported percentages of these identified handicaps, however. When asked about the method of deriving these percentages, the most frequent response was, "estimates based on group intake testing", following by the response, "past school records, when available". Only 29 percent of the respondents followed a comprehensive diagnostic and identification process.

Although many respondents reported that they provide comprehensive programming, in only 15 percent of the cases was "special" physical education offered. Specialized vocational programs were reported in 27 percent of the cases.

Security classifications, such as "administrative segregation" may render an inmate unavailable for educational services. When asked whether security classifications created problems in implementing special education services, 52 percent of the respondents felt it to be the case. Frequently, (i.e., in 58 percent of the cases) special education programming varied from institution to institution within a state.

Perhaps the most significant information provided by the survey can be found in the areas identified as problems for service delivery, and the strategies which have been developed to meet the requirements. Some items appear to be problems for almost all responding systems.

Conditions unique to correctional settings posed special implementation problems. For example, parental involvement was identified as a significant problem. Some respondents indicated efforts such as a series of letters and telephone calls to parents in attempts to involve them. Some indicated that they set out at least one notification. Several systems stated that no contact between natural parents was made. This was particularly true in adult programming, where the inmate often represented her/himself. Almost all Survey respondents indicated very little success in gaining cooperation by the natural parent.

The surrogate parent issue also was repeatly cited as a problem. In some cases it was stated that it was not considered a problem because it was not an issue; surrogates were used instead of natural parents in all cases. Some responses indicated that because the youth was a ward of the state, the natural parent was not needed. For most, however, surrogates were used but the responding system was not comfortable with the practice. A few respondents cited innovative uses of surrogates. Several systems depend upon surrogate parents, but use volunteers who are not employed by any state agency. Surrogate parents were used only after efforts to include natural parents had been exhausted. In some cases surrogate/volunteer parents were trained in their roles so that they could act in the best interests of the student.

The least restrictive environment was not considered a problem in most systems. The majority of respondents reported that the educationally handicapped student attended school as the least restrictive environment within the institution. It was listed as an issue only in cases of security conflicts within the setting, when institutional needs override educational priorities. Several respondents indicated that their attempts to circumvent this problem led to the provision of educational services no matter where in the institution the student was maintained.

Screening and identification of the educationally handicapped student was often cited as a problem. Most frequently, money and personnel were cited as the reason for this problem. Frustration was noted regarding the availability of previous educational records. These were often not received or not received in time to be useful.

Almost all juvenile system respondents noted some problems involving the students' length of stay. They expressed concern that students were released from programs based on security needs (i.e., bed space), rather than educational needs. By the time that all the evaluation and IEP development work was completed, the student often was ready to leave. Recidivism was cited as an additional difficulty in delivering appropriate special education services. One system responded that it focused on survival skills due to the brief period of stay. Another system was working on improved record-keeping to better identify handicapped recidivists so that services could be expedited.

The provision of related services was noted as a problem area by almost all respondents. Lack of personnel was the most frequent cause given, with a lack of money for contractual services next most frequently cited. Several systems were attempting to remediate this problem through the use of federal grant allocations. Respondents also stated that their sytems contracted with the local public schools for related services.

Most responding systems reported that due process issues did not present many problems. Many systems had due process regulations in conjunction with their institutional standards. Several respondents indicated that they received Attorney General's rulings regarding due process rights for their state programs. A few systems noted that the requirement had not yet been tested in their state.

A broad range of responses was given on IEP (Individualized Educational Program) development. Most respondents indicated that comprehensive IEP's were developed within mandated guidelines. Several systems reported that IEPs were developed for all incarcerated students, not only for the identified handicapped.

There were some distinctions between respondents' answers regarding the meeting of timelines. In almost all cases, respondents indicated that they were able to meet screening, evaluation, and identification requirements. Many responses noted difficulty with program implementation timelines, however. The most frequently occurring reason for this problem was a lack of resources. A problem was also indicated regarding institutional constraints over education.

One last problem cited related to the difficulty of obtaining properly endorsed teachers, particularly those with certification in all areas of exceptionality. Some systems attempt to overcome this problem through inservice training of existing staff. The pursuit of an exception provision by their State Department of Education was also mentioned by several respondents. This exception would allow a teacher endorsed in one area of exceptionality to teacher students with several different handicapping conditions within one classroom.

Conclusion

Several interesting observations are suggested by the survey results. One conclusion is that, although there are a number of exemplary programs across the country, the level of service provision for the special needs learner in correctional facilities continues to be below levels mandated by P.L. 94-142. A wide service delivery disparity exists between the states as well as differences in orientation toward the handicapped.

Confusion appears to continue among various state programs. The application of P.L. 94-142 mandates does not seem to be clearly understood. The majority of respondents indicated that they were making attempts to provide services according to the legislative mandate. Often expressed, however, was a concern that some of the requirements cannot work in corrections. The application of P.L. 94-142 to institutionalized populations is an area that deserves further study.

Another interesting facet of the results has been the similarities found between identified problem areas. It may be that there are aspects of the federal legislation that simply cannot be implemented within the correctional environment. Guidelines should be developed to facilitate coordinated service delivery for special education. This should be similar from state to state. Currently, implementation is based on idiosyncratic responses to the federal mandates, and these are biased by personality and/or structural variables. Litigative decisions will determine levels of services unless a coordinated effort can be made. A proactive role in decision-making will facilitate increased control over the outcome.

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Mr. FAUNTROY. We will now proceed to the statement of Commissioner Audrey Rowe.

Commissioner Rowe, we are very pleased to have you before the committee. I had read with great interest your testimony and look forward to your presenting it.

And I am going to have to step over to the floor of the House for a statement. But I would like for you to proceed. If I am not back before you are through, Congressman McKinney will ask questions that I have for you.

In addition, I'd like to have Ms. Quann come to the table for that period of questioning as well.

Thank you very much.

STATEMENT OF MS. ROWE.

Ms. ROWE. Thank you very much, Mr. Chairman.

What I would like to do is highlight the presentation which you have in your packet and talk a little bit about what we're doing, and where we see ourselves going, and a little bit about the philosophy of correctional education within a framework of special education.

In fiscal year 1984, 1,525 juveniles were detained by the court pending trial and placed in the Youth Services Administration Program. This represents approximately 38 percent of the 4,000 juveniles referred to the court. Of those detained, 57 percent were placed at Oak Hill, Cedar Knoll, or the receiving home. Of the youths detained, a small number 330, were finally committed to the D.C. Department of Human Services as delinquents. Only 160 were placed at Oak Hill, and the remainder have been placed in group homes, residential facilities, community services, or aftercare.

Not all of the youth identified as handicapped under Public Law 94-142 are educationally deficient. Some of our youth are emotionally disturbed, but function at general educational levels. Others may need special remedial programming and assistance with specific skills development.

Juvenile institutions provide a unique environment for implementing Public Law 94-142.

Along with our testimony, we have submitted a number of articles that discuss both the high number of incarcerated handicapped juveniles and the problems of implementing programs for those youths in a correctional setting.

Mr. Rivers has mentioned the problems of special education in correctional settings. The characteristics that he described are typical of the population that we serve.

For example, the average age of a student at Oak Hill was 17 years old in fiscal year 1984. Serving this older adolescent population requires a mixture of academic, vocational, and life-skills training.

The Commission on Social Services is committed to bring youth who enter the juvenile justice system into programs that will prepare them for the real world of work and societal responsibility.

Correctional education in juvenile facilities must recognize that these young people have failed in previous educational settings. For those who have been labelled special education, this stigma has followed them in addition to their delinquency label. The result is a young person who lives up to the expectations of his or her label.

In designing our programs, we have attempted to minimize the effect of labeling on youth who enter our system.

Let me briefly describe several program changes that embrace this philosophy.

The educational unit at the receiving home is designed to provide 30 ways of instruction to court-ordered detained youth demonstrating special needs. The receiving home's special needs population includes youth who experience mental and/or physical health problems or who are particularly vulnerable because of age.

Program components include medical screening, diagnostic workup—when appropriate—individual needs assessment, individual and family counseling—when necessary—family visits daily, 5 hours of education daily, and physical recreation daily.

The classes at the receiving home are taught by one certified special education teacher and a second teacher who has completed requirements for certification. The classes are no larger than 10 students to permit individualized instruction. Each youth has his or her own educational plan. Handicapped students have goals from his or her public schools' IEP's incorporated in these plans.

Both handicapped and nonhandicapped students are taught in the same classroom and are assigned by academic level performance.

Thus, the receiving home is in compliance with the only Federal requirement which applies to juvenile detention facilities, to make referrals for Public Law 94-142 eligility and IEP development, and to offer appropriate interim instructional services. This compliance was substantiated by DCPS's special education monitoring team visit 3 months after the receiving home's program was implemented.

Oak Hill serves two different populations—committed and detained youth.

Since February of 1984, Educational Support Services, Inc., under contract to the Youth Services Administration, has been administering a standard diagnostic assessment to young men detained and committed at the Oak Hill facility.

The goals of YSA's diagnosticians are threefold. First, to provide comprehensive diagnostic information for teaching and clinical staff. Second, to adapt the receiving home education program to meet the needs of detained youth at Oak Hill. And, third, to study all educational and vocational needs of young men committed to Oak Hill.

Starting with the summer session this year, Oak Hill provides an individualized open entry, open exit learning experience with the major goal of completing the GED.

Within 72 hours of arrival at Oak Hill, each youth receives an initial educational screening for a temporary classroom placement. Within 30 days, a full educational evaluation is completed and an individual service plan is to be developed. Most youth will also receive a vocational assessment.

There are three components to the academic program at Oak Hill—the learning center, the pre-GED program, and the GED program.

The learning center operates as the umbrella under which students with the most severe educational problems are served, including special education, adult basic education, and chapter I programs.

The special education program serves children who have been identified as educationally handicapped according to Public Law 94-142. Each student is to have an IEP and work in small groups with specially trained teachers.

Chapter I classes offer individualized assistance to students in reading and mathematics.

Adult basic education serves students who score below third grade level skills and who are not diagnosed as handicapped. They work individually and in small groups on material designed to accelerate their reading and computation skills. Once they achieve fourth grade level, students are promoted to the pre-GED program.

The pre-GED program is divided into two groups, those working at the fourth and fifth grade level and those working at the sixth and seventh grade level. Students concentrate on skill improvement in reading and consumer-oriented mathematics.

Students can be promoted to the GED program or placed directly if they arrive at Oak Hill with eighth grade skills. The curriculum includes writing, reading skills, social studies, science, and mathematics. Every 90 days, the examiner for the District of Columbia public schools administers the GED examination to those students who have made sufficient progress in class.

Youth services administration educational administrators have developed an efficient system to keep attendance records and forward relevant information to DCPS personnel.

Under a new agreement, YSA and DCPS have identified liaison responsibility for transferring these records. This new agreement is based on our earlier conversations with GAO and our mutual agreement recognition that this has previously presented serious problems for both systems.

YSA diagnostic staff are identifying and referring detained children in need of special education screening and have established a preliminary work plan, with the child study center, as approved by the director of the child study center and the assistant superintendent of special education.

The process presently in place at the receiving home will be expanded to detained youth at Oak Hill this coming fiscal year.

Youth meeting eligibility determination for special education or updated IEP's will be referred to Logan Center.

Based on Senator Specter's corrections educational initiative, the city has agreed to spend some of the funds to upgrade educational services at Oak Hill. These funds will be used to enhance special education services, including a computerized individual education program in academic and vocation areas and to hire more special education teachers.

Some of the money will be spent to upgrade assessment staff to improve the eligibility team and the IEP development.

The Oak Hill corrective action plan on Public Law 94-142 has been submitted to DCPS. It includes development of a system to meet all the procedural requirements of the law.

We are working closely with DCPS to ensure compliance with the law and also to provide appropriate, quality education for all incarcerated youth.

In July 1985, a task force was named to oversee the transition of Oak Hill programs, including education. This task force will assist in developing a comprehensive program at the facility.

Finally, in future year funding, we anticipate increased funds for additional teachers, increased program support, and improved monitoring capabilities for you in our special needs program.

Today, we are happy to report that our philosophy and program direction are resulting in success stories. The following two stories emphasize the importance of vocational and living-skills training, the real world work experience, as an inherent part of the treatment program.

Case No. 1 we'll call John Doe, who we have had since the age of 6, and is now 16, and has had a long history of multifaceted problems, and is now making progress.

There were problems with the mother—with his mother, who would not accept him, and went so far as to move without even his knowledge.

A great number of residential placement facilities refused to accept him.

He was a notorious self-abuser and was unable to interact with others. He was diagnosed emotionally disabled.

However, he is an achiever, and is close to an eighth grade level academically.

Last October, he was enrolled in the out-of-school work experience program, in which he worked with tradesmen for a half day and received a stipend for his work. He began the program working with electricians, and has recently moved to working with painters.

In addition to the vital work experience and training, he has also learned to be more self-reliant and to get along with others. His self-esteem has increased dramatically.

John is aware of the changes and the improvement in his life.

At his last IEP update, his mother's attorney asked him what progress he had made. John replied, the most important, I don't abuse myself any more.

John is presently in the prerelease home, gets along well with the adults, and is working on improving his interpersonal skills with his peers.

He is working with the TRS computer and doing very well.

Case No. 2 is a young man who came to the institution at the age of 17. He, too, was diagnosed as learning disabled. However, he was enrolled in the Opportunities Industrial Center Building Trades Program.

He received a certificate of outstanding progress and became the shop foreman.

After his graduation, this past June, he was hired by a major local construction company as a drywall helper. And he is making an hourly wage of $6.75 an hour.

We believe this young man is working and doing very well.

These two examples and others demonstrate the importance of providing an education program relevant to the youth's needs. We will continue to use progressive modes of treatment and believe that this represents the best of individualized planning for youth.

I thank you for allowing me an opportunity to share some of our activities and efforts that we have been making in improving services to juveniles.

We agree that there is much to be done, and we are committed to do it.

I also invite you to come and visit our facilities at Oak Hill and the receiving home.

[The prepared statement and attachments of Ms. Rowe follow:]

STATEMENT OF

Audrey Rowe, Commissioner, Commission on Social Services

BEFORE THE

SUBCOMMITTEE ON FISCAL AND HEALTH OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA

U.S. HOUSE OF REPRESENTATIVES

ON THE

IMPLEMENTATION OF P.L. 94-142

FOR HANDICAPPED DELINQUENTS IN THE DISTRICT OF COLUMBIA

September 10, 1985

Good morning, my name is Audrey Rowe, Commissioner for Social Services, Department of Human Services. The program services which we are-discussing here this morning are provided by the Youth Services Administration, one of five Administrations with the Commission.

I am pleased to have the opportunity to discuss with you our educational program and services for young people incarcerated at Oak Hill and the Receiving Home for Children.

In FY 1984, 1,525 juveniles were detained by the Court pending trial and placed in the Youth Services Administration program. This represents approximately 38% of the 4,000 juveniles referred to Court. Of those detained, 43% were detained in a community placement (Home Detention, Shelter Homes) and 57% were placed at Oak Hill, Cedar Knoll or the Receiving Home. Youth detained in the community continue in their DCPS placement. Of the approximately 600 youth detained in institutions, Youth Services Administration's testing indicates that 40%--240 youth--are potentially handicapped. Some of these handicapped youth will have Individualized Education Plans (I.E.P.'s) previously prepared by D.C.P.S.; others will need I.E.P.'s developed.

Of the youth detained a small number--330 in FY 1984--were committed to the Department of Human Services as delinquents. One hundred sixty were placed at Oak Hill, the remainder have placement in group homes, residential facilities, Community Services or After Care.

I would like to point out to the Committee that not all of the youth identified as handicapped under 94-142 are educational deficient. Some of our youth are emotionally disturbed, but function at general educational levels. Other may need special remedial programming and assistance with specific skills development.

PRESENT SERVICES AND PLANNED PROGRAM EXPANSIONS

Four major programs provide educational services for YSA detained or committed youth. Youth committed to the community services program receive educational evaluations and advocacy for appropriate school placements. Females committed to Harambee House receive an in-house education program and follow-up support and advocacy. The Receiving Home for children provides educational programs for detained youth and Oak Hill provides services for both committed and detained.

THE COMMUNITY SERVICES PROGRAM

The Community Services Program was established in 1983 as an alternative to Cedar Knoll School. Youth committed to this program receive rehabilitative services while remaining in their own homes. Between September 1983 and March 1985, the 75 youth in this program received the following educational services:

- Education Assessment

  All youth referred to the program receive an in-depth educational assessment. This along with education and social services records provides the basis for an Educational Plan.

  Staff from the Youth's School are contacted to discuss recommendations for appropriate placement and support services. Contacts are continued during the youth's placement in the program.

Program options, including vocational education are discussed. If required, special education referrals are made.

Parents are closely involved in the development of each youth's Educational Plan. Information on special education processes are procedures is provided when necessary. Of the 75 youth in the program, 13 were previously identified as special education students. An additional 14 special education students were identified and placed in appropriate programs.

HARAMBEE HOUSE

Harambee House was also created as an alternative placement for Cedar Knoll committed females. It opened in 1984 and is a four-bed residential facility providing an intensive treatment and education program for 90 days. A full-time certified special education teacher provides academic instruction for females committed to the facility. Each resident has an individualized program while at the facility and upon release is referred to an appropriate palcement based on her needs.

Of the six girls placed in the program from November of 1984 to June 1985, one girl was previously identified as a special education student and was referred for placement through D.C.P.S.

THE RECEIVING HOME FOR CHILDREN

An education program was initiated at the Receiving Home in July 1984 to provide services for youth who had waived the 48 hour restriction rule on placement at the facility and were court-ordered detained. The average number of such youth in the facility was 7 and most remained at the Receiving Home less than 30 days.

During the period, plans were developed to re-open the

Receiving Home and transfer maximum security detained youth from Cedar Knoll. The new Receiving Home program was designed to provide services for 19 males and 11 females. The program began operation in April 1985.

The educational unit at the Receiving Home is designed to provide 30 days of instruction to court-ordered detained youth demonstrating special needs. The Receiving Home "Special Needs" population includes youth who experience mental and/or physical health problems or who are particularly vulnerable because of age. Program components include:

- Medical Screening
- Diagnostic Work-up (when appropriate)
- Individual Needs Assessments
- Individual and Family Counseling (when necessary)
- Family Visits Daily
- 5 Hours of Education Daily
- Physical Recreation Daily

Receiving Home youth demonstrate histories of multiple failures at home, in school, in the community, and/or in other institutional facilities. Receiving Home children, at any given time, represent diverse education backgrounds including:

- Youth enrolled in general education programs, who for the most part, experience failing grades, poor attendance, educational gaps, poor attention span on task, behavioral problems in classrooom settings and high anxiety levels in learning environments.
- Youth determined eligible for special education services and enrolled in special education programs with individualized education plans to address such hanidcapping conditions as mentally retarded (mildly and moderately), learning disabled, seriously emotionally disturbed, multiple handicapped and, in some cases, medically handicapped.
- Youth of compulsory school attendance age who have attended general education programs and are in need of special education programs or resource services.

- Youth of compulsory school attendance age not enrolled in school.
- Youth exceeding the compulsory school attendance age and not enrolled in school for at least one school year.

Receiving Home Education Staff develop an Individual Instruction Plan for each detained youth, based on an education assessment.

Education materials from the youth's last school; including previous I.E.P. goals; are incorporated in the Receiving Home Plan. When the D.C.P.S., I.E.P. is outdated, Receiving Home staff request an updated I.E.P. be developed by D.C.P.S. If at initial assessment the youth appears to be handicapped but has not been previously identified as a special education student, appropriate materials are sent by Receiving Home staff to Logan Child Study Center or a D.C.P.S. regional office for eligibility determination and I.E.P. development.

Since April, 1985, 153 youth have been detained at the Receiving Home and enrolled in the education program. Of those, 20 had been previously identified as special education students and their I.E.P.'s were requested from D.C.P.S. and placed in their YSA file. The Receiving Home's Educational Diagnostician has found an additional 32 detainees as potentially eligible for 94-142 services and they have been referred to D.C.P.S. for I.E.P. development. The remaining 101 students in the educational program at the Receiving Home were not handicapped.

The classes at the Receiving Home are taught by Certified Special Education Teachers. The classes are no larger than ten students to permit individualized instruction. Each youth has his/her own Educational Plan; handicapped students' have goals from his/her D.C.P.S., I.E.P.'s incorporated in these plans. Both handicapped and non-handicapped students are taught in the same classrooms, and are assigned by academic level performance. Thus, the Receiving Home is in compliance with the only federal requirement which apply to a juvenile detention facility to (a) make referrals for 94-142 eligibility and I.E.P. development and (b) offer appropriate interim instructional services. This compliance was substantiated by a D.C.P.S. Special Education Monitoring Team visit three months after the Receiving Home's program was implemented.

To date, YSA Educational Administratiors for detained youth at the Receiving Home have established positive communication with school principals and guidance counselors and have experienced success in tracking and securing D.C.P.S. Educational Records. D.C.P.S. Attendance Office Administrators have made computer printouts of current school placements available to Receiving Home staff. YSA Educational Administrators have developed an efficient system to keep attendance records and forward relevant information to D.C.P.S. Attendance Office Personnel.

YSA diagnostic staff have begun to identify detained children in need of referral for Special Education Screening and have established a preliminary work plan with the intake coordinator at the Child Study Center as approved by the Director of the D.C.P.S. Child Study Center and the Assistant Superintendent of Special Education.

OAK HILL YOUTH CENTER

Oak Hill serves two different populations: committed and detained youth. Since February, 1985, Educational Support Services Inc. under contract to the Youth Services Administration has been administering a Standard Diagnostic Assessment to young men detained and committed at the Oak Hill facility. The goals of YSA's Diagnosticians are three fold: First, to provide comprehensive standardized educational diagnostic information for teaching and clinical staff; Secondly, to adapt the Receiving Home education program to meet the needs of detained youth at Oak Hill; and Thirdly, to study the regular education, special education, prevocational and vocational needs of young men committed to Oak Hill.

DETAINED YOUTH

YSA is now designing a special program for detained youth similar to the Receiving Home Educational Unit. Our major objectives are to provide educational evaluations, and to develop a short-term program focused on maintaining or improviding the youth's academic skills during detention. Where youth are newly identified as potentially eligible for PL § 94-142 services, materials will be referred to Logan Child Study Center for eligibility determination and I.E.P.

COMMITTED YOUTH: CURRENT EDUCATIONAL SERVICES

Beginning this month, a new academic program is being implemented at Oak Hill. It will provide an individualized "open entry/open exit" learning experience with the major goal of completing the G.E.D. Within 72 hours of arrival at Oak Hill, each youth will receive an initial education screening for a temporary classroom placement. Within 30 days, a full education evaluation will be completed and an Individual Services Plan will be developed. Most youth will also receive a vocational assessment.

There will be three components to the academic program at Oak Hill: The Learning Center, the Pre-G.E.D. Program and the G.E.D. Program.

The Learning Center will operate as the umbrella under which students with the most severe educational problems are served, including Adult Basic Education, Special Education and Chapter I Programs. Adult Basic Education will serve students who score below third grade level skills and who are not diagnosed as "handicapped". They will work individually and in small groups on material designed to accelerate their reading and computation skills. Once they achieve fourth grade level skills, students will be promoted to the Pre-G.E.D. Program. The Special Education Program will serve students who have been identified as educationally handicapped according to PL § 94-142. Each student will have an I.E.P. and will work in small groups with specially trained teachers. Chapter I classes will offer individualized assistance to students in reading and mathematics.

The Pre-G.E.D. Program will be divided into two groups, those working at the fourth and fifth grade level and those working at the sixth and seventh grade level. Students will concentrate on skill improvement in reading and consumer-oriented mathematics.

Students can be promoted to the G.E.D. Program or placed directly if they arrive at Oak Hill with eight grade skills. The curriculum will include writing skills, reading skills, social studies, science and mathematics. Every ninety days, the examiner from District of Columbia Public Schools administers the G.E.D. examination to those students who have made sufficient progress in class.

NEW VOCATIONAL TRAINING PROGRAMS WILL INCLUDE:

The Opportunties Industrial Center (OIC) Building Trades Program

This program was implemented in April, 1985, and is funded by the Rehabilitation Services Administration. Students in the program are 17 years old and older. The program trains 20 youth at a time for 16 weeks in carpentry, drywall installation, plumbing, masonry and wiring. Students receive training in all areas and specialize in their best skills area in the last weeks of the program. Students who complete the program are certified by OIC and are placed in jobs at the time of release.

OFFICE SKILLS TRAINING

This program was also initiated in FY 1985 and is funded through a grant from the Department of Employment Services. It provides training in typing, use of office equipment, and office procedures.

THE PRINTING PROGRAM

The Print Shop was moved from Cedar Knoll to Oak Hill in the Summer of 1985. The shop received two additional staff and new equipment through Social Services Block Grant Funds. In addition to the Print Shop at Oak Hill, the Printing Program will have a community component. Students learn printing skills and provide printing services to government and non-profit organizations. The community-based office will employ youth released from Oak Hill to distribute and market material printed in the institution. The Printing Program is expected to generate salaries for the young people.

BARBERING

Oak Hill will continue its Barbering Program. Ten students at a time participate in this program. They receive hands-on experience in cutting various hair styles, as well as learning about Anatomy, Physiology, and Professional Procedures.

CULINARY ARTS

This program teaches students about nutrition, food selection, preparation, and service. It is projected that Oak Hill students will operate their own "fast food" restaurant on campus.

PRE-RELEASE PROGRAMS

In July, our pre-release program was implemented to improve coordination between institutional staff and aftercare workers in the community. The goal is to insure that the youth have the life skills necessary to succeed after they are released from Oak Hill. Most residents will spend their last 30 days in the pre-release house, a 10 bed facility outside the fence on Oak Hill grounds. It will serve as a transition from the institution to the youth's community placement. All youth in the house will be transported to the city each day for employment, training, or school. In the evening, they will receive an intensive program of independent living skills training. Youth, who have no homes or would do best living independently, will be palced in Independence Road where their skills at living on their won will be strengthened. Youth who are returning to school in the city will be referred to Associate for Renewal in Education (ARE) Winners Program. Through Winners they will be placed in an appropriate long-term academic setting, with tutoring, support services, and family involvement to make the transition.

Special Issues Concerning Special Education Services in Correctional Institutions

Juvenile Institutions provide a unique environment for implementing PL § 94-142, a number of articles, which we have submitted along with our testimony discussing both the high number of incarcerated handicapped juveniles and the problems of implementing programs for those youth in a correctional setting. The Correction/Special Education Training Project's (C/Set) Manual on Monitoring the Special Education Programs of Correctional Institutions 1985 states that there are a number of special considerations in developing standards for implementation of the act.

" - the period of enrollment of handicapped offender ....
  of pre-trial detention centers is usually both short-term and indefinite;
- the period of enrollment of handicapped offenders in .....
  juvenile correctional institutions is usually less than one school year and nearly in excess of two school years;
- .... parent involvement is extremely limited ....;
- the vast majority of handicapped students enrolled in correctional educational programs will never return to local elementary and secondary school programs."

The average age of a student at Oak Hill is 17 years old in FY '84. Many have not attended school for years. Serving this older adolescent population requires a mixture of academic, educational and life-skills training. As Susan Brown states in her attached article, Yesterday, Today and Tomorrow; "(f) the assessment process, the acquision of records, the assignment of programs and the development of treatment modalities all have to relate the student to the real world of work because that's where we want him to succeed".

We have, as I previously discussed, worked closely with DCPS to improve our assessment, record-tracking and services in our institutional programs. The process presently in place at the Receiving Home will be expanded to detain youth at Oak Hill this coming fiscal year. Youth identified as needing eligibility determination for new I.E.P.'s or up-dated I.E.P.'s will be referred to Logan Center.

Under our additional new agreement, both YSA and D.C.P.S. will identify a liaision responsible for transferring records. This new agreement is based on our conversations with G.A.O. and our mutual recognition that this has previously presented serious problems for both systems.

Further, based on Senator Spector's Corrections Educational Initiative, the city agreed that some of the funds would be used to upgrade educational services at Oak Hill. These funds will be used for enhanced special education service; including a computerized individual education program in academic and vocational programs and increased numbers of special education teachers. There will also be an upgrading of assessment staff to support the eligibility team and I.E.P. development.

Finally, in July, 1985, I named a Task Force to oversee the transition of Oak Hill Programs, including Education. This Task Force will assist in developing a comprehensive program at the facility.

The Oak Hill Corrective Action Plan on PL § 94-142 has been submitted to D.C.P.S. It includes development of a system to meet all the procedural requirements of the law. We will be working closely with D.C.P.S. to insure compliance with the law and also to provide appropriate, quality education for all incarcerated youth.

SPECIAL EDUCATION IN THE MOST RESTRICTIVE ENVIRONMENT: CORRECTIONAL/SPECIAL EDUCATION

Robert B. Rutherford, Jr., PhD
Arizona State University

C. Michael Nelson, EdD
University of Kentucky

Bruce I. Wolford, PhD
Eastern Kentucky University

National attention recently has focused on the problems of delivering special education services to incarcerated youthful handicapped offenders. In this article, data from a national survey of state departments of correctional and special education relative to the need for, and provision of, these services are presented. Issues relative to the compliance of correctional education programs with the PL 94-142 mandate are discussed and recommendations for improving educational experiences for handicapped youths under the supervision of the criminal justice system are offered.

Over 500,000 criminal offenders currently are housed in the nation's 559 state and federal prisons and 3,493 local jails. Of this population, approximately 72,000 are incarcerated in juvenile[1] correctional facilities. In addition, almost 2 million persons are under community supervision instead of in confinement (Bureau of Justice Statistics, 1983). This rate of incarceration, which is among the highest in the world, reflects a public and political attitude favoring increasingly punitive responses to crime, even though it runs counter to the philosophy of the least restrictive alternative.

These statistics are alarming, but even more staggering is the revelation that a large portion of the incarcerated population are handicapped for educational purposes. For example, Morgan's (1979) survey indicated that 42% of incarcerated juveniles meet PL 94-142's definitional criteria as handicapped. Surveys of adult correctional facilities in Oregon (Hurst & Heintz, 1979) and Louisiana (Klinger, Marshall, Price, & Ward, 1983) suggest similar proportions of handicapped in adult prisons, i.e., between 30 and 50%.

Correctional education, which consists of formal educational programs ranging from basic literacy training to postsecondary vocational and university education,

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[1] Juvenile status is an arbitrary classification based on state statutes, severity of the crime, and the sophistication of the offender.

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TABLE 1 (CONTINUED)
STATUS OF JUVENILE CORRECTIONAL SPECIAL EDUCATION PROGRAMS

State	Juveniles Incarcerated	Juveniles in Correct. Education Programs	Juveniles in Correct. Education Programs, %	Handicapped Juvenile Offenders, Estimated	Handicapped Juvenile Offenders Served	Special Educations Students Served, %	Special Ed. Students Served, % of Total Population	Estimated Special Ed Students, % of Total Population
Montana	135	120	89%	**	4	**	3%	**
North Carolina*	550	550	100%	182	173	95%	31%	33%
North Dakota*	90	90	100%	49	46	94%	51%	54%
Nebraska	213	200	94%	85	0	0%	0%	40%
Nevada*	176	176	100%	**	6	**	3%	**
New Hampshire	107	107	100%	80	54	60%	50%	75%
New Jersey	977	977	100%	824	824	100%	84%	84%
New Mexico	410	410	100%	79	60	76%	15%	19%
New York*	1,600	1,600	100%	655	655	100%	41%	41%
Ohio*	1,600	1,440	90%	491	491	100%	31%	31%
Oklahoma*	268	267	100%	101	101	100%	38%	38%
Oregon	647	520	80%	280	96	34%	15%	43%
Pennsylvania*	603	603	100%	120	20	17%	3%	20%
Rhode Island*	136	94	69%	72	72	100%	53%	53%
South Carolina*	580	580	100%	165	150	91%	26%	28%
South Dakota	145	145	100%	6	6	100%	4%	4%
Tennessee*	811	811	100%	150	150	100%	18%	18%
Texas*	1,830	1,128	62%	178	178	100%	10%	10%
Utah	386	386	100%	**	0	0%	0%	**
Vermont	10	10	100%	4	4	100%	40%	40%
Virginia*	1,200	1,200	100%	500	500	100%	42%	42%
Washington*	1,325	1,325	100%	292	**	**	**	22%
West Virginia*	117	117	100%	20	20	100%	17%	17%
Wisconsin*	490	490	100%	145	145	100%	30%	30%
Wyoming	166	155	93%	16	4	25%	10%	10%
Totals	33,190	30,681	92%	9,443	7,370	80%	23%	28%

*Receives PL 94-142 monies.

**Data either unknown or not provided.

SURVEY RESULTS

In 1979, Morgan surveyed 204 state correctional administrators to determine the prevalence and types of handicapping conditions found in juvenile correctional institutions. He found that of the 26,740 incarcerated juveniles 11,333 or 42.4% of these youths were identified as handicapped.

In August of 1984, the authors, as part of the Correctional/Special Education Training (C/SET) Project, surveyed the 85 state department of corrections and the 50 state departments of education to determine the number of handicapped offenders in juvenile and adult corrections. The state directors of correctional education and the state directors of special education or their designates provided data through written surveys and follow-up telephone interviews, concerning both the estimated number of handicapped offenders within their states and the number of handicapped inmates served by correctional education programs. Data from all states relative to juvenile corrections are summarized in Table 1.

TABLE 2 (CONTINUED)
STATUS OF ADULT CORRECTIONAL SPECIAL EDUCATION PROGRAM

State	Adults Incarcerated	Adults in Correct. Education Programs	Adults in Correct. Education Programs %	Handicapped Adult Offenders Estimated	Handicapped Adult Offenders Served	Special Educations Students Served %	Special Ed. Students Served, % or Total Population	Estimated Special Ed. Students, % or Total Population
Montana	789	300	38%	**	40	**	5%	**
Nebraska	1.555	370	24%	**	**	**	**	**
Nevada	3.413	**	**	**	**	**	**	**
New Hampshire	496	100	20%	**	**	**	**	**
New Jersey	6.538	1.849	28%	5.472	**	**	**	84%
New Mexico	2.034	852	42%	**	0	0%	0%	**
New York	33.000	12.000	36%	9.500	**	**	**	29%
North Carolina*	16.470	1.647	10%	300	225	75%	1%	2%
North Dakota	440	70	16%	3	1	33%	0.2%	0.7%
Ohio	18.000	4.500	25%	6.300	**	**	**	35%
Oklahoma	6.491	1.882	29%	**	100	**	2%	**
Oregon	3.349	907	27%	150	134	89%	4%	4%
Pennsylvania	11.600	3.900	34%	2.320	96	4%	0.8%	20%
Rhode Island	1.200	450	38%	785	40	5%	3%	65%
South Carolina*	10.250	1.800	18%	250	135	54%	1%	2%
South Dakota	853	180	21%	43	0	0%	0%	5%
Tennessee	7.555	356	7%	95	0	0%	0%	1%
Texas*	36.000	20.000	56%	1.200	1.200	100%	3%	3%
Utah	1 383	105	8%	**	0	0%	0%	**
Vermont	500	250	50%	**	0	0%	0%	**
Virginia	9.084	2.385	26%	**	0	0%	0%	**
Washington	6.400	1.994	31%	**	0	0%	0%	**
West Virginia*	1.520	725	48%	140	66	47%	4%	9%
Wisconsin*	4.000	2.000	50%	190	92	48%	2%	5%
Wyoming*	799	150	19%	10	0	0%	0%	1%
Totals	399.636	118.158	30%	41 590	4 313	10%	1%	10%

*Receives PL 94-142 monies.

**Data either unknown or not provided.

data reported by 31 states, the estimated number of handicapped offenders in adult corrections is 41,590 or 10% (range 1% to 77% of the total population) of whom 4,313 or less than 1% of incarcerated adults are receiving special education services. The 17 states currently receiving PL 94-142 flow-through monies for handicapped adult offenders account for 3,281 or 76% of those receiving services.

There appear to be some differences between the data reported by Morgan in 1979 and our 1984 data. First, the number of juveniles incarcerated in correctional facilities has increased from 26,740 to 33,190 or 20% in the past 5 years. Second, the estimated prevalence of handicapped offenders in juvenile facilities has decreased from 42% to 28%. Third, the data reported by Morgan did not include the population of handicapped offenders under the age of 21 in adult facilities, which constitutes a significant proportion of those eligible for special education services under PL 94-142. Fourth, the data in the Morgan study were collected from 204 administrators of various correctional education programs, while our data were solicited from the 85 state directors of correctional education and verified by the state directors of special education or their designates.

assigned to an institution. The usual assessment battery includes a measure of achievement, an intelligence test, and a medical screening. Frequently, tests are group administered, and seldom are records forwarded from the offender's local school, nor are former special education students flagged for special processing. In many cases, the offender has been out of school for several months or years prior to adjudication. Assessment data are used for institutional demographic reports, and only rarely are considered in assigning individuals to institutions or programs. Once the offender is transferred to the institution where he* will serve his sentence, he may be given a more complete individualized assessment and, if identified as handicapped, an IEP may be developed. However, in adult systems this second level assessment often is not done, and therefore handicapped offenders who are not identified during classification do not receive differential treatment. This is less of a problem in juvenile systems, where educational programs are usually mandatory; but nevertheless, time and information are lost because local school records are not obtained and data collected at the classification center are not forwarded. Whereas in public school programs the identification and labeling of students as handicapped tends to result in stigmatization and prejudicial treatment, it appears that the failure to identify and to establish procedures for differentially handling handicapped inmates may have undesired consequences, especially in adult facilities. For example, it has been reported that such persons, when placed in the mainstream of prison life without special processing or protection, may often become the targets of physical, sexual, or economic abuse (Santamour & West, 1979).

Functional assessment means identifying skill deficits that interfere with a student's educational achievement and social/vocational adjustment (Howell, Kaplan, & O'Connell, 1980). A further requirement is that assessment be based on the curriculum taught, rather than consisting of a standard instrument (e.g., California Test of Adult Basic Education or Stanford Achievement Tests). Assessment also should be continuous rather than static, and the results should be used to make systematic adjustments in the student's educational program (Howell, et al., 1980; Kerr & Nelson, 1983). Such procedures are becoming part of the methodological repertoires of public school special educators, but seldom are they practiced by correctional special education teachers.

Functional Curriculum

A functional educational curriculum is one that meets a student's individual needs. A necessary condition to this is making the educational program accessible to students. However, our survey data indicate that only 30% of adult offenders are in educational programs; and such practices as administrative segregation, solitary confinement, or disincentives for participation in educational programs (e.g., offering higher wages or time off of sentence for institutional work, but not for education) dramatically affect student populations in adult and juvenile correctional education programs.

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*The pronoun he is used because males outnumber females in correctional programs by a ratio of 7 to 1 (Morgan, 1979).

could encourage the development of functional assessment procedures and a functional curriculum based on the learning and life need of handicapped offenders. Perhaps the acquisition of truly functional vocational and daily living skills would lower the recidivism rate, which currently is about 64% for adult inmates (Bureau of Justice Statistics, 1983) and appears to be no lower for handicapped offenders.

Transition

Correctional education programs generally operate outside the public education system. The isolation of correctional education is underscored by the near absence of transitional programs. Correctional educators have long bemoaned the public schools' lack of cooperation in sharing information regarding correctional students. The identification of handicapped offenders is often slowed by the absence of previous educational records, which may be due to the length of time the offender has been out of school, to the geographical separation of the offender from his local school district, or to the absence of procedures or personnel for obtaining such documents. The courts, probation officers, and correctional education programs need to establish effective linkages with public schools to facilitate the exchange of educational information.

Correctional education is commonly viewed as the terminal educational experience for offenders. This view has been supported by the limited number of youth and adults who continue to participate in formal education programs upon their release from correctional institutions. Some problems which mitigate against the transition from correctional to public education include the incompatability of programs, limited mechanisms for the exchange of information, and economic and parole considerations which generally mandate full-time employment. The key problem, however, has been that no single agency or office will accept responsibility for providing transition services.

Recently, Colorado, Washington, and Louisiana have attempted to implement programs to assist offenders in their transition from correctional to public education. The responsibility for transition must be shared by the correctional education and public education systems. Persons designated as transition aides should be assigned to work in both the institutions and public schools. A logical location for such services is with parole or aftercare agencies, whose responsibility is the supervision of released offenders. Aftercare workers are seldom educators and generally do not view educational placement as a primary job responsibility. Transition programs must create new positions and/or train aftercare/parole workers to provide such service. Efforts to aid in transition have proved to make a significant difference. Offenders in the Colorado Transition Project (Needham & Grims, 1983), for example, who have some type of education or vocational intervention upon parole had a greater likelihood of successfully reentering the community.

Three phases have been identified in the postincarceration transition process: referral, program placement, and follow-up. Only the referral phase takes place within the correctional institution. Simply providing a referral and facilitating a placement are often insufficient support efforts for the reentering offender. Follow-up supervision and contact with the offender and local community education programs are needed to reinforce both the student and the school as to the importance of continued education.

is coordination between the public schools and correctional education programs. As we indicated previously, the transition of adjudicated handicapped offenders from the public schools to correctional education programs and back to public schools or vocational programs seldom is accomplished in a coordinated fashion, if it is accomplished at all. Information regarding the educational abilities and needs of handicapped offenders rarely is transmitted across educational settings. Systems for providing appropriate individualized special and vocational education services before, during, and after incarceration are necessary if the goal of rehabilitation is to be realized. A first step toward effective transition programs is the development of state-wide computer systems for exchanging special education student data between public and correctional education programs. For example, the state of Maryland has established a computerized student data base shared by correctional and public school personnel. This system enables practitioners to monitor students moving from one administrative jurisdiction to another, and to transmit student IEPs (S. Steurer, personal communication, December 8, 1983).

The lack of communication and coordination between correctional education and parole or aftercare programs rounds out the dismal picture we have been painting. Problems here are especially serious, because the handicapped offender needs specific assistance in generalizing newly developed skills (if these have been established at all) to his natural environment. However, local aftercare agencies or public schools seldom receive information or records from correctional education programs, or bother to request these. Moreover, the offender may return to a community that lacks aftercare programs appropriate to his individual needs. Under such circumstances there is little incentive to pursue further training or employment opportunities, nor is there support from qualified professionals who are sensitive to the unique adjustment problems of handicapped youths returning from a correctional program.

Correctional Special Education Training

Our survey of state administrators also requested data pertaining to the number of correctional educators in juvenile and adult facilities who are certified in special education. We received information from 50 states regarding special education teachers in juvenile corrections and from 46 states relative to special education teachers in adult corrections. Although an estimated 81% of juvenile handicapped offenders are receiving special education, only 28% of the teachers in these programs are certified special educators (range 4% to 100%). Ten percent of handicapped adults are in special education, and 9% of adult correctional educators have special education certification (range 0% to 100%). Some states (i.e., Alaska, Connecticut, Delaware, Kansas, Maine, New Jersey) have designated over 80% of their incarcerated juvenile population as handicapped; yet in these states, wide variance in the proportion of special education certified correctional educators is apparent (i.e., Alaska = 25%, Connecticut = 35%, Delaware = 65%, Kansas = 100%, Maine = 33%, New Jersey = 42%).

These data indicate an obvious need for special education training of correctional educators, a need we have cited in previous publications (Kardash & Rutherford, 1983; Wolford, 1983). Until such training becomes a prerequisite to em-

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C/SET

MONITORING THE SPECIAL EDUCATION PROGRAMS OF CORRECTIONAL INSTITUTIONS

A Guide for Special Education Monitoring Staff Of State Education Agencies

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PREFACE

The purpose of this Guide is to provide technical assistance to special education administrators in State education agencies in the development of monitoring plans to evaluate the compliance with P. 94-142 requirements of the special education programs of adult and juvenile State-operated correctional institutions.

The Guide outlines specific procedures for developing an annual monitoring plan, identifies eight important compliance issues particularly susceptible to off site monitoring, and discusses in detail the types of monitoring informati dictated by the unusual or unique aspects of the correctional education settin This discussion closely tracks the compliance issue/subissue structure created in the State Educational Agency Monitoring Guide used by the Office of Special Education Programs, U.S. Department of Education.

The Guide is organized into four major sections:

- Section I identifies and summarizes the legal requirements applicable to both state education agencies and the education programs which establish, on t one hand, the responsibility for general supervision and regular periodic monitoring by the SEA and, on the other hand, the obligation on the part of agencies operating correctional education programs to provide a free, appropriate public education to handicapped children and youth in custody.

- Section II provides a profile of state and local correctional and detention institutions within the criminal justice system, including recent trends both in terms of the overall population and the incidence rates within the population of handicapped children and youth.

- Section III outlines a procedure for use by SEA monitoring staff in developing an annual plan by which specific correctional education programs c initially be monitored off site and procedures for selecting particular correctional education programs for indepth monitoring activities.

- Section IV recommends compliance issues that can be targeted for genera off site monitoring and discusses both the unique compliance issues which may arise within the correctional setting and the implications of these issues for effective data collection and analysis. A brief discussion of the development of a data collection plan and monitoring strategies for each indepth monitorin activity completes the section.

Assumptions

The Guide is predicated upon four important assumptions about the SEA monitoring process which may not be accurate for all states.

First, it assumes that SEA special education staff are actually responsib for planning and conducting the P.L. 94-142 monitoring activities related to state-operated programs.

Second, it assumes that the state education agency is currently using (or seeking to develop) management-by-information strategies for its day-to-day operations which would permit the SEA to select a subset of educational programs within the state for indepth monitoring and to target specific compliance areas for exploration and analysis. These selective and focused monitoring approaches are, of course, strongly recommended in lieu of the across-the-board, compliance check-list type of alternative. Because of the limitations on the number of SEA monitoring staff who can be hired and the increasing complexity of compliance issues, this latter approach, which was probably crucial in many states during the first few years of P.L. 94-142 implementation because of the "presence" it created at the local level, has become increasingly impracticable and inefficient.

The third assumption underlying the Guide is that SEA monitoring and technical assistance strategies are likely to be interwoven and that, as a result, SEAs must become increasingly adept and pro-active in translating P.L. 94-142 requirements for particular types of state-operated educational programs into standards which are "sensitive" to the "host" environment.

The fourth assumption is that, in addition to federal requirements, some state statutes require the annual approval and/or monitoring by the state education agency of all correctional education programs. These requirements are not addressed by this Guide.

Preparation

This Guide was prepared by Martin Gerry of M.H. Gerry & Company, Washington, D.C., under contract with the U.S. Department of Education, Special Education Programs. Invaluable assistance was provided by the National Association of State Directors of Special Education; the Council for Exceptional Children; and many administrators and staff of the Louisiana Department of Education, Louisiana Department of Corrections, Ohio State Department of Education, Ohio Department of Rehabilitation and Corrections, Ohio Youth Commission, District of Columbia Department of Human Services, District of Columbia Department of Corrections, Rehabilitative School Authority of the Commonwealth of Virginia, Virginia Department of Corrections, New York City Board of Education, New York City Department of Corrections, the National Center for State Courts, and the Mid Atlantic Regional Resource Center of the George Washington University; staff of the Division of Assistance to States, Office of Special Education Programs, U.S. Department of Education; and Allen Dittman, U.S. Department of Education.

While not specifically intended for their use, we hope this Guide will also prove helpful to the thousands of dedicated education professionals who pursue daily the extraordinarily challenging task of providing appropriate education to incarcerated children and youth.

I

LEGAL AND POLICY BACKGROUND

The Statute

The Education for All Handicapped Children Act of 1975 (P.L. 94-142) requires that all states make available to handicapped persons of school age a free, appropriate public education. Section 612(6) of the Act explicitly extends this requirement to children receiving educational services in institutional settings by expanding the scope of the Act to include "all education programs within the state or local agency." This Section also introduces a new concept of a central state responsibility in the education agency to exercise "General supervision" over the special education programs of all other agencies in order to ensure that all federal and state standards are met, and provides that the state education agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children within the state... shall meet "education standards of the state education agency."

While most of the public attention concerning the implementation of the Act has been focused on the services provided by the local public schools, there remains the question of how to monitor appropriately the education programs operated by other state agencies for the institutionalized minority.

The Regulations

The Regulations issued by the U.S. Office of Education on August 23, 1977 (45 CFR 300a) describe in greater detail both the agencies to be supervised and the nature of the general supervision responsibility. Section 300a.2(b) extends the general supervision responsibility "to all political subdivisions of the state that are involved in the education of handicapped children" whether such subdivisions receive P.L. 94-142 funds or not, and specifically includes state correctional facilities.

During the last 10 years, the U.S. Department of Justice and scores of private litigants have brought suit against state-operated correctional facilities (both juvenile and adult), asserting violations of the Eighth Amendment prohibition against the infliction of "cruel and unusual punishment." These cases, orginally targeted on physical abuse, living conditions, recreational opportunities, and health care, have expanded rapidly during the last four years to cover matters such as the access of handicapped inmates to appropriate education services.

Although the education programs within state correctional facilities were not directly referanced in the Regulations, Section 300a.2 provides that "the provisions of this part apply to all political subdivisions of the State that are involved in the education of handicapped children." These would include: "...(4) State correctional facilities." No other specific reference to correctional facilities or their educational programs appears in the regulations. Accordingly, the education programs of correctional facilities are subject to all of the requirements of Subparts C, D, and E of the regulations.

On April 3, 1980, the Office of Special Education ("OSE", now redesignated as "OSEP"), in connection with the issuance of new regulations (the Education Division General Administrative Regulations or "EDGAR") under the General Education Provisions Act (20 U.S.C. 1221f), repealed the compliance monitoring at 45 C.F.R. 601 and replaced it with new provisions which require that state educations agencies adopt and use a method of administering their special education programs which includes:

> "(i) Monitoring of agencies, institutions, and organizations responsible for carrying out each program and the enforcement of any obligations imposed on those agencies, institutions, and organizations under law;
>
> * * *
>
> "(v) The correction of deficiencies in program operations that are identified through monitoring or evaluation." (34 C.F.R. 76.101(e)(3))

In addition, the EDGAR regulations contain provisions which require each SEA to adopt complaint procedures that contain several specified minimal components (34 C.F.R. 76.780-782). Finally, the regulations empower state education agencies (SEAs) to require that local education agencies (LEAs) and state-operated special education programs (SOPs) maintain sufficient records and submit to the SEA necessary reports to demonstrate their compliance with program requirements (e.g., the requirements in Subparts C, D, E and F of P.L. 94-142 regulations, 34 C.F.R. 300.300 - 300.653).

In November 1981, the Compliance and Enforcement Branch of the Division of Assistance to States, Special Education Programs, Department of Education issued a "State Education Agency Monitoring Guide", which set forth the criteria to be used by the Branch in evaluating the compliance of state education agencies with the EDGAR monitoring requirements, state correctional institutions:

> "1.3 Monitoring of EHA - B Provisions:
>
> Has the SEA implemented a monitoring system which assures that monitoring with approved format procedures is going on in all other agencies providing services to handicapped children, i.e., Corrections, Social Services, etc."

As of November, 1984, OSEP has issued no policy guidance specifically concerned with the practical application of the provisions of the regulations to the unique educational environment within state correctional institutions.

Section 504

While not related directly to SEA monitoring responsibilities, education programs in correctional facilities operated by other public agencies are covered directly by the requirements of Subpart D of the regulations (34 C.F. 104) to implement Section 504 of the Rehabilitation Act (29 U.S.C. 794). Thes regulations, which apply directly to any education program recipient which receives or benefits from any federal financial assistance from the U.S. Department of Education (whether or not related to special education), track closely the requirements of P.L. 94-142 and require the provision of a free, appropriate public education to handicapped children and youth of school age. In addition, the 1978 Amendments to the Rehabilitation Act excluded these non-discrimination guarantees to all Federally operated programs, including the educational program of the Federal Bureau of Prisons, U.S. Department of Justice.

II

PROFILE OF CORRECTIONAL INSTITUTIONS

Best estimates place the number of children and youth (under the age of 21) committed to juvenile and adult correctional institutions at more than 150,000. 3/ In addition, each year another 300,000+ persons in this age group are confined in pre-trial detention facilities and jails. A study of the nationwide juvenile corrections population sponsored by the Law Enforcement Assistance Administration estimated that 34 percent of the children in custody were functionally illiterate. 4/ A 1979 review of research studies conducted by the Council for Exceptional Children revealed an unusually high prevalence of mental retardation and learning disability within the populations of correctional facilities. 5/ These findings are supported by a study by the General Accounting Office of learning problems of juvenile offenders in two states (1976-1977). 6/.

The population of children and youth can be separated into two categories: juvenile offenders (in most states, persons under the age of 18) and youthful offenders (in most states, persons between the ages of 18 and 22).

The age of offenders generally determines whether they will be handled within the juvenile or adult criminal justice system. States define the maximum age below which an offender is considered a juvenile differently. While some states might consider a 17 year old person to be a juvenile, other states may provide for regular criminal court jurisdiction for persons 17 years of age who are accused of committing certain offenses. In addition, several states have a "Youthful Offender" category for persons adjudicated in criminal courts who may be above the age limit for juveniles but below a specified upper age limit (e.g.22). Such persons may be eligible for special record sealing procedures and may be committed to special correctional facilities. In summary, all youthful offenders are asigned to the adult criminal courts and most, but not all, juvenile offenders are assigned to the juvenile justice system.

3/ The Sourcebook of Criminal Justice Statistics. U.S. Department of Justice, 1978 (for juvenile offenders), and estimates made by MHG of the projected youthful offender population based on data collected in several states.

4/ L.E.A.A. No. 73 Ed-99-0012, 1975.

5/ The Council for Exceptional Children, "Policy Issues and Implications on the Education of Handicapped Adjudicated Youth", Scottie Higgins, September 1979.

6/ General Accounting Office, "Report to the Congress, Learning Disabilities: The Link to Delinquency Should Be Determined, But Schools Should Do More Now." No. GGD-76-97, U.S. GPO, March 4, 1977.

One unusual characteristic of the juvenile offender population is the fact that approximately 18 percent of the children and youth assigned to the juvenile justice system enter the system by means other than arrest. These juveniles are referred to juvenile courts or detention facilities by parents or relatives, schools, probation officers and public and private social agencies.

Of the remaining 82 percent, more than one-third are released by the arresting agency prior to a hearing. In turn, most of the persons referred to juvenile court jurisdiction are either placed on probation or dismissed from custody by the juvenile court. Fewer than 10 percent of those persons under 18 who enter the criminal justice system are ultimatley sentenced (or committed) to juvenile correctional institutions.

Correctional Facilities

The facilities to which juvenile and youthful offenders are committed by the juvenile justice system or the adult criminal courts include: (1) state and local juvenile correctional institutions directly administered by state and local governments; (2) adult correctional institutions directly administered by the state or under state supervision; (3) pre-trial detention centers and jails administered by state and local law enforcement agencies; (4) publicly and privately operated facilities which are often subject to state and local government supervision and may receive substantial government funds. Each of these types of facilities will be discussd separately.

Juvenile Correctional Institutions. Juvenile correctional institutions exist in each state for "sentenced" (or post-disposition) juvenile offenders. These institutions are secure facilities (ranging from unfenced youth camps to maximum security prison type settings), and in many states different correctional institutions are assigned different security classifications. Thus, in a state system there might be one maximum security juvenile correctional institution, two or three medium security facilities, and one or two minimum security camps or ranches.

In most states, a system of juvenile correction institutions is operated by a separate state agency or by a discrete organizational component of an overall state corrections agency. In a few states, city and county agencies also operate juvenile correctional institutions. Assignment to a particular juvenile correctional institution is made by a juvenile court judge or by the correctional agency on the basis of one or more of the following factors: age, prior record, type of offense, length of sentence, residence. In few, if any, situations are educational needs considered directly in facility assignment.

In many states, before assignment of a juvenile offender is made to a juvenile correctional institution, the offender is processed through a central reception or diagnostic center. These centers traditionally hold offenders for short periods of time (e.g., two weeks) under tight security.

Juvenile institutions are generally not overcrowded. For example, in 1977, though 10 percent of all publicly-operated facilities were occupied in excess of design capacity, 33 percent were used at a rate of less than 70 percent occupancy. The average time of confinement in juvenile correctional institutions generally falls between four to seven months. The maximum time served for a particular offense does not exceed two years, but time served may be extended as a result of offenses committed while in the facility. Recidivism rates are generally high among juvenile offenders, and thus, many juvenile offenders are literally in and out of juvenile correctional institutions during their adolescent years. In contrast to many adult correctional institutions, most juvenile facilities do not segregate offenders by security classification. Where this type of segregation does occur, it is usually limited to the living areas of the facility, and only in a comparatively few instances does segregation extend to participation in education programs.

In virtually every state, elementary and secondary education programs are offered for students below the compulsory school attendance age (e.g., 16). In some states, offenders above the compulsory attendance age are required to enroll in the education program unless they have obtained a high school diploma or GED. In other states, school attendance is optional for offenders above the compulsory attendance age. States vary widely in terms of the agency responsible for operating education programs in juvenile correctional institutions. Four organizational systems currently in use to operate education programs in juvenile facilities are:

(1) Direct operation by the state agency that operates the juvenile institution;

(2) Provision of educational services within the facility by the local education agency in which the facility is located;

(3) Provision of educational services within each facility by an intermediate education unit or special school district operated on a statewide basis; and

(4) Provision of education within each facility by a special state correctional education agency separate from the SEA or from the state or local agency that operates the juvenile institution.

Education in juvenile correctional institutions is more often than not the major day time activity for offenders. While many juvenile institutions do have required work details or institutional maintenance work, education is usually offered for at least five hours per day. In this context, participation in education is usually regarded as an expected daily activity and not as a privilege. Disciplinary removal from school for actions outside of the classroom occurs much less often and for a much shorter period than would occur in an adult correctional facility.

Adult Correctional Institutions. In many states, all adult or youthful offenders sentenced for more than one year are assigned to adult correctional institutions. Like juvenile correctional institutions, adult institutions also run the gamut of security classification. Assignment to a particular adult correctional institution is likely to be predicated on prior record and the type of offense committed, and often is left to the discretion of state correctional officials by the sentencing court. In some states, one or more adult correctional institutions have been designated specifically for youthful offenders.

Most adult correctional institutions are under the supervision of a single state correctional agency (which may or may not supervise juvenile correctional institutions) that in most instances also operates the education program within each facility. In reality, the education program in each facility is much more autonomous than would be the case within the schools of a school district. This is particularly true in all but the few states that have established formal state "school districts" for adult correctional institutions. Again, as with juvenile correctional institutions, many states operate short-term central intake or diagnostic centers. In addition, many states operate special pre-release programs in separate facilities for periods of one to six months.

Adult correctional institutions usually are overcrowded, and the number of youthful offenders in these facilities is rising. Generally, youthful offenders make up approximately 20 percent of the population of adult correctional facilities. The average time served for youthful offenders varies greatly from state to state, reflecting differences in penal philosophy.

Segregation of offenders within adult correctional institutions is commonplace. In addition to a so-called "general population", these institution often have totally self-contained, physically separated units for specific group of offenders. These units include:

- "trustee units" for offenders who are regarded as exhibiting model behavior;
- "administrative segregation" or other disciplinary units for offender who are regarded as severe behavior problems;
- "protective custody" units for offenders who, for various reasons (i.e. mental capacity, informer status, law enforcement background), are regarded as particularly at-risk within the instituition;
- health or infirmary units for offenders requiring in-patient medical treatment;
- forensic psychiatric units for offenders requiring in-patient psychiatric care. (These are more often attached to state-operated mental health facilities); and

- Special pre-release units (within the facilities) for offenders about to be released from custody.

The role of inmate work or labor in adult correctional institutions usually differs sharply from the juvenile correctional institution. Inmate "work" (usually in industrial shops, agricultural production, or institutional maintenance) is regarded generally as the major daytime activity of offenders not physically unfit for work. Often education programs are offered as options to freetime or recreation, but not as an option as a substitute for partial or fulltime work.

In most states, the correctional agency responsible for operating the correctional institution also operates the elementary and secondary education program (postsecondary programs are generally operated by nearby higher education institutions). In a few states, special school districts, intermediate educational units, or special state correctional education agencies operate elementary and secondary education programs.

The education programs of adult correctional institutions, thus, differ dramatically from those of juvenile correctional institutions in several important aspects:

(1) Education is generally viewed as a privilege provided to comparatively few inmates, and waiting lists for education are commonplace;

(2) Education is often clearly subordinated to "work" as the main daytime activity of all inmates of the facility;

(3) Disciplinary removal of students from education programs occurs much more frequently and for much longer periods of time, and inmates are often prevented from enrolling in education programs because of their security status;

(4) Space allotted for educational activities is much more limited.

Pre-trial Detention Centers and Jails. State- or locally- operated detention facilities for juvenile offenders exist in most states, and locally operated pre-trial detention centers and jails exist throughout the United States. Adults and youth arrested and awaiting trial in adult criminal courts are routinely held (subject to the bail system of the state) in locally-operated jails or detention centers. For reasons of administrative convenience or because of the lack of other available social service facilities, many juveniles (both suspected offenders and neglected children and youth) are held in these facilities as well.

A report issued by the Children's Defense Fund in 1976 on a visit to [illegible] jails in nine states revealed that all nine states held children and youth in adult jails and that 18 percent did so regularly as a matter of policy. [illegible] percent of the children and youth held in jails had committed no offense and another 18 percent had been charged with status offenses. 7/
In 1977 of the 1.3 million juveniles who entered the criminal justice system, 285,000 or [illegible] percent were held in pretrial detention facilities or jails. 8/

The duration of residence in these facilities before trial varies greatly from state to state, and no reliable average is available. A duration of several weeks is commonplace, and periods of several months are not infrequent. Major factors leading to this variance are bail procedures and hearing backlogs.

Comparatively few juvenile detention centers have different security classifications within the facility. Few jails were reported by the Children's Defense Fund to have educational programs of any kind or recreational facilities. 9/ A few large-scale juvenile detention centers, however, do have full-time educational programs. These programs are usually operated within the facility by the local education agency in which the facility is located. The average stay of juveniles in these facilities can range from a matter of hours to several months.

Publicly- and Privately-Operated Group Homes. The Juvenile Justice and Delinquency Prevention Act of 1974 calls for the diversion of juveniles from the "traditional juvenile justice system" and the provision of "critically needed alternatives to institutionalization". (42 U.S.C. 5602). In an attempt to comply with this mandate, states have relied increasingly on halfway houses or group homes instead of secure juvenile correctional institutions. The number of residents of public and private juvenile correctional institutions has declined. 10/ In most instances, the educational program for children in these facilities is offered either in the facility (if "secure") or in the local public schools by the local education agency in which the group home is located.

7/ Children's Defense Fund, Children in Adult Jails (Washington, D.C.: Washington Research Project, Inc., 1976), pp. 3-4.

8/ Danile D. Smith, Terrence Finnegan, Howard N. Snyder, Delinquency 1977: United States Estimates of Cases Processed by Courts With Juvenile Jurisdiction (Pittsburgh, PA: National Center for Juvenile Justice, 1980), p. 13.

9/ Children's Defense Fund, Children in Adult Jails.

10/ U.S. Department of Justice, Children in Custody: A Report on the Juvenile Detention and Correctional Facility Census of 1975, p. 6.

Characteristics of Juvenile Offenders

Juveniles committed to public and private juvenile correctional facilities are overwhelmingly male (94 percent), and minorities are represented disproportionately. According to a 1977 survey, black children are two and a half times more numerous among incarcerated children than among the corresponding 10 to 19 year-old age group of the general population. Although Hispanic children constitute only six percent of the 10 to 19 year-old general population, they account for nine percent of the incarcerated population in that age group. The average age of the children incarcerated in juvenile facilities in 1977 was 15 years. 11/

Several research studies conducted in juvenile correctional institutions in various parts of the United States have concluded that the average educational achievement levels of juvenile offenders is substantially lower than that of their non offender peers. The General Accounting Office, which hired consultants to administer educational and diagnostic tests to a statistically representative population of children in Connecticut and Virginia state juvenile correctional institutions in 1975, concluded that "virtually 100 percent of the juveniles tested were significantly behind academically in relation to their age and ability levels." 12/ Although the average age of the delinquents tested by GAO consultants was 16, the children functioned at about the fourth to fifth grade levels academically. 13/

11/ U.S. Department of Justice, Children in Custody: Advance Report on the 1977 Census of Public Juvenile Facilities, p. 1.

12/ Comptroller General of the United State, Learning Disabilities: The Link to Delinquency Should Be Determined But Schools Should Do More (Washington, D.C.: U.S. General Accounting Office, 1977), p. 18.

13/ Comptroller General, Learning Disabilities, p. 8.

Seven studies of the prevalence of handicapping conditions among incarcerated juveniles have been conducted in recent years. The National Center for State Courts and the Association for Children with Learning Disabilities, which sponsored a joint study of groups of 12 to 15 year-old adjudicated delinquents in three cities, concluded that one-third were learning disabled. 14/ The GAO study of juveniles in Connecticut and Virginia found that 26 percent of these children had learning disabilities which the GAO consultants called "primary learning problems." 15/ The GAO classified another 19 percent of the students as having "limited academic potential." The intellectual functioning of these students was so low that the students could not be expected to acquire skills above the elementary school level. These students had serious conceptual deficits which were often accompanied by serious perceptual deficits. 16/ The GAO contended that if those students whom they identified as having either primary learning disabilities or limited academic potential were in the public school system, they could be classified as handicapped and would, therefore, qualify for special education programs. 17/

The National Center for State Courts estimates conservatively that the number of handicapped juveniles annually admitted to public and private juvenile facilities is more than 95,000. Similar information regarding the characteristics of youthful offenders and juveniles incarcerated in adult correctional institutions is not available.

14/ Paul K. Broder and Dorothy Crawford, "The Link Between Learning Disabilities and Juvenile Delinquency: A program Description" (Williamsburg, VA: National Center for State Courts, 1980), p.4.

15/ Comptroller General, Learning Disabilities, p. 8

16/ Ibid., pp. 8, 9.

17/ Ibid., p. 21.

III

DEVELOPING AN ANNUAL PLAN FOR MONITORING CORRECTIONAL EDUCATION PROGRAMS AND DEVELOPING COLLECTION PLANS AND MONITORING STRATEGIES

In order to carry out the EDGAR requirements for the periodic monitoring of the education programs operated by and within state and local correctional agencies, special education staff of state education agencies should first develop an Annual Monitoring Plan. Such a plan, of course, could be made part of an overall monitoring plan developed by the SEA applicable to the overall monitoring of all education programs for handicapped children operated within the state.

The evolution of implementation at the local level of P.L. 94-142 and the increasing fiscal and personnel constraints on SEA monitoring activities argue strongly for a well-planned, management-by-information approach to monitoring activities. For example, the number of separate correctional education programs within a state may well exceed 15 to 20 and in virtually no instance can any effective monitoring be conducted at the state correctional agency level. SEA resources potentially available for monitoring this comparatively small portion of the overall population of handicapped students, even in the largest SEAs, is unlikely to exceed one full-time person. In addition, the conduct of routine onsite reviews of each correctional program is an extraordinarily expensive activity in terms of staff travel time and travel expenses.

The development of an Annual Monitoring Plan requires the completion of three important tasks:

- Identifying and selecting the correctional education programs to be monitored.
- Establishing Screening Issues and Targeting Criteria.
- Collecting and Analyzing Targeting Information

The remainder of this section consists of a detailed discussion of these tasks which represent the central SEA special education off site monitoring activities addressed by this guide.

Identifying Correction Programs To Be Monitored. Section 300.[illegible] of the regulations contains the basic standard for defining the universe of education programs subject to the SEA monitoring requirements established in EDGAR Regulations: "each educational program for handicapped children administered within state, including each program administered by any other public agency. . . ." Thus, any correctional education program operated within the state in which school-age children are enrolled is subject to SEA special education monitoring. Such programs include, at a minimum any program serving children and youth operated in:

- a juvenile correctional institution;
- an adult correctional institution; or
- a pretrial detention center or jail.

These programs may be operated by the state adult and/or juvenile corrections agency local education agency, a special school district or intermediate educational unit, or a separate state agency. The program may also be operated by a nonpublic agency or organize under contract to a public agency.

An inventory of each of these programs operated within the state should be compiled by special education staff. (The Directory of Juvenile and Adult Correctional Departments, Institutions, Agencies and Parole Authorities published by the American Correctional Association lists all adult and juvenile institutions in each state and provides information about location, capacity, average population, and age limits. In addition , a single state juvenile justice planning authority established in order to receive funds from the U.S. Department of Justice's Law Enforcement Assistance Administration should be an excellent source of information concerning the location and nature of detention and correctional facilities within the state.).

In order to select correctional education programs from the pool (i.e., universe of "covered" programs), criteria need to be developed. Random selection is wholly inappropriate because it neither results in all educational programs being monitored within a discrete period of years nor in selection for monitoring of programs which are most likely to have compliance problems. Techniques oriented towards the selection of those correctional educational programs most likely to have compliance problems appear prudent, given the resource demands created by well-organized, indepth monitoring activities and the number of SEA staff generally available to serve as monitors.

Establishing Screening Issues. The first step in developing a data analysis plan for off site monitoring is to identify compliance issues which have three characteristics. First, they must be issues of significant importance within the context of the overall obligation imposed by the P.L. 94-142 regulations. Second, they must be issues which incorporate institutional educational objectives. Third, they must be issues either susceptible to at least partial measurement on a statistically quantitative basis or identifiable through yes/no answers. Least restrictive environment issues, for example, are often readily susceptible to statistical measurement. Questions asking about the existence of particular standards and procedures are more useful for screening purposes than questions seeking descriptive information.

Compliance issues that are particularly susceptible to this type of screening and of particular compliance significance for correctional education programs are:

(1) Barriers, preconditions, or disincentives to the access of handicapped students to overall education program or policies related to their removal;

(2) The existence of program curricular options for handicapped students such as individualized, specially designed instruction and access to regular and/or special vocational education, regular and/or adapted physical education, or bilingual special education;

(3) The components of any individualized evaluation conducted by central diagnostic or intake center;

(4) The existence of procedures for the transfer of student records from and to local education agencies and correctional institutions;

(5) Under-identification of mentally retarded, learning disabled, and seriously emotionally disturbed offenders;

(6) Limitations on the time available for instruction;

(7) Isolation of handicapped students in self-contained education programs;

(8) The existence of surrogate parent procedures utilizing person not in the employ of the correctional agency.

Establishing Targeting Criteria. Once the screening issues have been determined, targeting criteria must be established. Targeting criteria are composed of the specific items of information which must be analyzed in order to rank correctional education programs in terms of a particular screening issue. For example, for the screening issue "under-identification of learning disabled offenders," the information to be used might be the overall enrollment of learning disabled students in a particular program and the learning disabled student enrollment in the public education programs within the state. In this instance the strategy for ranking correctional education programs would probably be the degree of disparity between the composition of the two groups (e.g., the degree to which the percentage of learning disabled students enrolled in the public education programs of the state exceeds the percentage of learning disabled students enrolled in the correctional education program).

In developing targeting criteria, the special education staff should use as its primary data source information already collected and available from a variety of sources such as:

- Applications prepared by correctional education programs and submitted to the SEA to receive funds under P.L. 94-142, P.L. 89-313, the Title I Neglected Education Act of 1965, etc.;

- P.L. 94-142, P.L. 89-313, or Title I Neglected and Delinquent "child count" information;

- Information collected during SEA school accreditation visits (e.g., discription of the types of programs offered);

- Information reported by correctional education programs in order to apply for state special or regular education funds (e.g., teacher/pupil ratios; staff trends;) and;

- Information submitted by other public agencies to the state legislature in support of education budget requests.

After the development of suitable screening criteria suitable for the correctional education programs within the state, a "triggering factor" or significance measure signifying a legally significant degree of difference should be developed for each criterion (monitoring question). For the example, "under identification of learning disabled students" more than 10 percent deviation between the composition of the two groups might be an appropriate targeting criterion. The importance of the significance measure would then be that correctional education programs with "under-representation" in the enrollment of learning disabled students of less than 10 percent would be disregarded, whereas correctional education programs with deviations above 10 percent would be listed in descending order (i.e., greatest variation first) on a "worst-to-best" list created for each criterion. The significance measure, thus, acts, as a threshhold.

Collecting and Analyzing Targeting Information

Because much of the information used to formulate the targeting criteria is already in the possession of the state agency, most of the data collection problems involve the merging of data from different sources in order to permit comparative analysis. For example, the listing of correctional education program "school names" in different data files may vary, as may the headings used to record information. Where all needed information is not readily available, structured telephone interviews can be used to gather the remaining items. If non-numerical information is collected, a particular answer, itself, can represent a triggering factor. Where a series of yes/no type questions are asked , the answer can be quantified (e.g., yes=0, no=1) and combined in order to establish both a single criterion score and a meaningful significance measure.

The final step in the data analysis process consists in ranking all of the districts and institutions in the screening universe from "worst to best" on each targeting criterion established. (The names of correctional education programs reporting information below the significance measure would not be included.)

After worst-to-best lists have been established, screening criteria must be weighted in order to establish a final single list. Weighting is a device used to allow the staff to assign more priority to one compliance issue screened than to another. The following example may be helpful to illustrate the process:

Rankings

	Criterion 1	Criterion 2	Criterion 3
(1)	Program A	Program B	Program C
(2)	Program B	-----	------
(3)	------	-----	Program B
(4)	------	Program C	Program A
...		-----	------
(16)	Program C	Program A	------

If even weighting were used to create an overall list, the weights would be calculated as follows:

$$\text{Program A} = \frac{1 + 16 + 4}{3} = \underline{7}$$

$$\text{Program B} = \frac{2 + 1 + 3}{3} = \underline{2}$$

$$\text{Program C} = \frac{16 + 4 + 1}{3} = \underline{7}$$

Thus, on the overall ranking list, Program B would be ranked 2nd, and Programs A and C would tie for seventh.

Now, assume that criterion 3 (e.g., barriers to access) was considered significantly more important than the other two factors. As a result, a weight of 3x might be assigned to that criterion. In this instance, the overall calculations would be:

$$\text{Program A} = \underline{1 + 16 + 4 + 4 + 4} = 5.8$$

$$\text{Program B} = \underline{2 + 1 + 3 + 3 + 3} = 2.4$$

$$\text{Program C} = \underline{16 + 4 + 1 + 1 + 1} = 4.6$$

The effect of 3x weighting on criterion 3 would thus be to move program C significantly ahead of Program A on the list. However, the weight was only an "influence", in that Program B still retained its overall position by a significant margin.

Once weights have been assigned (or not assigned), an overall ranking of correctional education programs can then be established.

After the establishment of a rank-order list of correctional education programs, two steps remain in order to create a list of correctional education programs to be monitored during the next year:

- List all correctional education programs which have not been monitored during the preceding two years; and
- Add to this list any correctional education program listed in the highest third of the rank-order list (and not already on the triannual review list).

This procedure will accomplish two important objectives: First, a balance will be struck between the requirement of periodic monitoring of all education programs and the need for focusing scarce staff resources on high priority compliance problems. Second, the appearance of a correctional education program on both the triannual review list and the targeting criteria rank-order list will assist in focusing monitoring activities and determining in what instances on site monitoring strategies are appropriate.

IV

IDENTIFYING SPECIFIC COMPLIANCE ISSUES FOR IN-DEPTH MONITORING

An important first step in selecting specific compliance issues for the in-depth monitoring of each correctional education program is definitional. As used in this manual, the term "compliance issue" means a legal obligation imposed under P.L. 94-142 and/or its implementing regulations. The following is a partial taxonomy of compliance issues or areas to be monitored which are relevant to correctional education programs:

A. Right to Education
B. Child Identification, Location, and Evaluation
C. Individualized Education Programs
D. Procedural Safeguards
E. Confidentiality
F. Protection in Evaluation Procedures
G. Least Restrictive Environment
H. Comprehensive System of Personnel Development (CSPD)

Compliance issues which should be included in a particular monitoring review are:

- Any of the eight screening issues used for the generalized off site monitoring of all correctional education programs (as described above), where the particular program was "suspect" based on the application of the targeting criterion (e.g., high degree of isolation of handicapped students),
- Any compliance issue regarded by SEA special education staff as unsusceptible to screening but of sufficient overall importance or likelihood to warrant general inclusion in all monitoring reviews (e.g., appropriateness of IEPs); and
- Any compliance issue alleged in complaints filed with the SEA against the particular correctional education program.

The compliance issues derived from each of these sources should then be listed as a preliminary compliance issues framework for the monitoring activity.

Because of the unusual characteristics of education programs operated in correctional settings and the corollary need in certain areas for SEA policy clarification, a brief discussion is provided below of the unique compliance issues and dimensions incident to correctional education programs.

COMPLIANCE ISSUE A. RIGHT TO EDUCATION

Two basic compliance obligations which form the structure of the right to education are particularly relevant to the education programs:

1. All children determined to be handicapped and in need of special education and related services are provided a free, appropriate public education?

2. Each of the related services described in 34 CFR 300.13 is available to handicapped students?

The implications of the correctional education setting for each of these obligations is addressed separately.

Obligation 1: Provide a Free, Appropriate Public Education to all Handicapped Children

The settings and operations of correctional facilities give rise to monitoring implications in four somewhat unusual areas (subissues) which should be explored by SEA special education monitoring staff reviewing the provision of a free appropriate public education.

a. A "special education" program actually exists in the institution (i.e., there is specially designed instruction to meet the unique needs of a handicapped child)?

b. No barriers, preconditions or disincentives exist for the enrollment of children and youth in education programs which prevent access of a handicapped offenders to a free, appropriate public education.

c. The provision of a free, appropriate public education to handicapped students is not frequently interrupted or terminated.

d. Living area assignments made within the correctional facility or security classifications do not preclude attendance in education programs or in special education programs.

A brief discussion of each of the compliance subissues follows:

a. __Sub-issue: Existence of Special Education Programs or Services__ - informatio should be requested in order to ascertain whether any special education programs or services exist within the correctional education program. It is not unusual in juvenile correctional institiutions for no formal program of special education to be in place. Handicapped juvenile offenders may, in lieu of special education services, be routinely included in special remedial programs or may simply be offered participation in a standardized regular education program which permits so individualization of instruction. Inquiry should be made about whether any specia vocational education or physical education programs exist. It may be that no vocational education instruction is available for any offenders and that the institution's recreation program constitutes the program of physical education. Similarly, bilingual special education programs are virtually nonexistent, and limited or non English speaking handicapped students may be required to choose. between completely separate special education and bilingual education programs.

In adult correctional institutions, there is much less likelihood of finding a defined special education program in place or even the existence of special education services. Often all students attending elementary and secondary school programs (whether handicapped or not) may be offered an identical adult basic education curriculum.

Because of the tentative nature of education programs in most pre trial detention centers and jails, the existence of formal special education programs and/or special education services is even a dimmer prospect. This monitoring question is, of course, directly linked to the fourth screening issue.

-- "The existence of program curricular options for handicapped students such as individualized, specially designed instruction and access to regular and/or special vocational education, regular and/or adapted physical education, or bilingual special education;"

b. Sub-issue: No Barriers, Pre-Conditions and Disincentives for Enrollment in
Education Programs - access of handicapped offenders to correctional education progr
particularly in adult correctional institutions, may be prevented or inhibited by a
of correctional policies which vary significantly from state to state. These policie
rarely based on educational considerations, but rather reflect the correctional philo
of the institution or system. For example, offenders may not be permitted to enroll
education program until a particular point in time after incarceration (e.g., six mon
This time barrier may be expanded further by the requirement that the potential enrol
have a "clear record" (i.e., no disciplinary infractions) for a particular period of
prior to requesting admission. This precondition, particularly with respect to serio
emotionally disturbed and even mentally retarded offenders, may constitute a long ter
permanent barrier to enrollment, depending on whether all disciplinary infractions or
major infractions will preclude enrollment.

Another "access" issue which arises in adult correctional institutions relates to the offender's release date. Some adult correctional facilities permit access to education programs only after a date related to the release date of the offender (e.g., one year prior to release).

Economic and other disincentives to educational enrollment also occur fairly
frequently in both juvenile and adult correctional institutions. For example,
in juvenile institutions, offenders (including handicapped offenders) above the
compulsory school attendance age for the state may be offered the choice of
institutional work, for compensated or continued uncompensated school
enrollment. Money is an important commodity in a correctional setting and a
strong disincentive to continued school enrollment in such circumstances. In
adult correctional institutions, compensated institutional work (including
industrial shop labor) is often offered to all prospective education enrollees
as a mutually exclusive option to continued education. Compensation for work in
adult institutions is often significantly higher than in juvenile facilities.
In some adult correctional institutions, offenders enrolling in education
programs are compensated for participation in education but usually at a much
lower rate than for institutional work.

In adult correctional institutions, the process of seeking enrollment should be explored within this monitoring area. In many adult institutions counselors or committees are responsible for approving the placement or participation of an offender in any treatment program (e.g., industrial shop labor, education, institutional laundry). This counselor or committee could well preclude the access of a handicapped offender to educational programs for a variety of reasons, some totally unrelated to educational needs, such as disciplinary record or scheduling. In jails and other combined pretrial and post sentencing detention facilities which have educational programs, pretrial offenders (as compared with post sentencing offenders) may be precluded from access to education programs.

Information should be collected with respect to time barriers, behavioral preconditions, and disincentives which may be operating in a correctional setting to preclude or discourage handicapped offenders from enrolling. This monitoring question is directly linked to the third screening issue:

> -- "Barriers, pre-conditions, or disincentives to the access of handicapped students to overall education program, or policies related to their removal."

c. Sub-Issue: No Policies Which Permit Interruption or Termination of Services Information should be collected from both adult and juvenile correctional institutions regarding any policies and procedures which permit the interruption and termination educational services to handicapped students before such students are released from custody.

Particularly in adult correctional institutions, where education is viewed as a privilege, the access to education for an offender can be withdrawn at any time as a disciplinary sanction for behavior that occurs in school or in the living areas of the institution. While in most juvenile correctional institutions disciplinary removal tends to be short-term, it may be frequent enough to seriously disrupt the provision of special education services to handicapped students. In adult correctional institutions, disciplinary removal may be long-term (e.g., one year) or permanent for actions which occur outside of the educational environment. Often correctional education personnel are not informed of the reasons for either short-term or long-term disciplinary removal.

Interruptions or termination of services to handicapped students may also occur as a result of correctional policies or facility transfer. As a result of overcrowding, offender behavior, pre release status, or other factors, offenders (including handicapped offenders) may be shifted repeatedly between the different facilities of a state adult or juvenile correctional system. Information should be collected on the transfer of records and immediate access of a shifted handicapped offender to appropriate education in the "receiving facility."

d. Sub-issue: Access of Offenders in Certain Living Areas or Security Classifications - access to education programs and/or special education services in both adult and juvenile correctional institutions may be limited by the living area an offender is assigned to or the offender's security classification.

In some juvenile correctional institutions, handicapped offenders may be assigned to special living units or cottages based on their handicap (e.g., mental retardation), disciplinary record, age, perceived social maturity, or vulnerability, etc. In some situations, the living unit may have a self-contained education program separate from the general educational program of the facility. Often a single teacher is assigned to work in such a special unit, and handicapped students in the unit are not allowed access to the special education program.

In adult correctional institutions, inmate security classifications (usually coupled with segregated living arrangements) may completely preclude participation in education programs or result in the type of limited access described above for juvenile correctional institutions.

Obligation 2. Make Available All Related Services

The organization and operation of correctional facilities has a direct impact on the access of handicapped students enrolled in correctional education programs to the related services mandated by 34 CFR 300.13.

There are 13 specific related services described in the regulations:

- audiology
- counseling services
- * early identification and assessment of disabilities
- medical services
- occupational therapy
- * parent counseling and training
- physical therapy
- psychological services
- * recreation
- school health services
- social work in schools
- speech pathology
- * transportation

Because of the basic nature of correctional facilities and systems described earlier, four of these related services have only limited relevance to the correctional setting (noted by Asterisk above). The remaining nine related services can be regrouped as follows:

a. audiology, medical services, physical therapy, occupational therapy, and school health services;

b. counseling services, psychological services, and social work in schools; and

c. speech pathology

Monitoring issues addressing the provision of clusters of related services within the correctional environment will be discussed separately.

a. Sub-issue--Availability of Audiology, Medical Services, Physical Therapy, Occupational Therapy and School Health Services - regardless of the identity of the state or local agency responsible for operating the correctional education program, responsibility for the provisions of this cluster of related services in correctional facilities rests almost always with the treatment program operated by the host correctional agency. Unlike the local public school setting, these services are grouped routinely in both juvenile and adult correctional institutions as "health services." In most instances, an infirmary or other health unit is located within the correctional facility or near by. In some instances, a temporary transfer of an offender to another correctional facility operated by the same agency might be necessary in order to receive the service.

In virtually all facilities, medical services and school health services are available within the facility's health service program. The availability of the full range of audiology services is much less certain, and the existence of physical and occupational therapy services much less likely.

Often educational program staff within the facility may not be knowledgeable about the nature and scope of health services available.

Information should be collected on the existence within the facility (or near by) of each of the types of related services in this cluster or arrangements which would be made if a handicapped offender required such services.

b. Sub-issue--Availability of Counseling Services, Psychological Services, and Social Work Services - the provision of the related services in this cluster is almost always the responsibility of the agency operating the correctional facility. In many juvenile and adult correctional institutions, social workers are the only full-time staff available to provide services. Psychiatrists often visit the facility for a few hours a week (principally to prescribe medication), and licensed psychologists are often available through contracts that provide much less than full-time services. Thus, unlike medical and school health services, individual psychological services for handicapped offenders may not be available or may be so limited as to be inaccessible. Many correctional education programs do not have the services of an educational counselor.

Information should be collected on the existence within the facility of psychological and social work services. At a minimum, the information should include average case loads for both psychologists and social worker.

Requests for information about counseling services should be phrased carefully to distinguish educational counseling from behavior control activities, because many correctional facilities employ counselors for the latter purpose.

c. Sub-issue--Availability of Speech Pathology--Information collection should focus on the existence to the speech pathology service and the average caseload of persons receiving speech therapy or other habilitation or preventive services.

COMPLIANCE ISSUE 8. CHILD IDENTIFICATION, LOCATION, EVALUATION

There are important monitoring implications for the correctional setting in four area (sub-issues) of child identification, location and evaluation.

1.____ All relevant agencies are involved.
2.____ The activities are ongoing.
3.____ All identified children are evaluated.
4.____ Activities include systematic in-school procedures Examples of procedures that may be used include: screening, review of truancy, absentee information, suspension/discipline information, non promotions

A brief discussion of these four compliance sub-issues follows.

1. All Relevant Agencies Are Involved. The most consistent and serious failure to involve all relevant agencies in the initial child identification process clearly relates to the absence of any involvement by persons from local schools which the offender previously attended. This problem is complicated in adult correctional institutions by the fact that no educational records or history of the offender is usually available except from an interview with the offenders. Offenders are often reluctant to provide information about prior special education enrollment because of the fear of stigmatization.

In contrast, juvenile correctional facilities should have access to the offender record compiled for the juvenile court which usually at least identifies the LEA and school last attended by the offender. Information should be collected carefully about the existence and efficiency of any procedures in place to collect student records or other child identification information. This monitoring question is directly linked to the fourth compliance issue recommended for screening:

> "The existence of procedures for the transfer of student records from and to local education agencies"

2. Activities Are Ongoing. Because of the existence of central diagnostic and intake facilities in many state juvenile and adult correctional facilities, staff of the agency operating the correctional facility obviously are involved in the initial identification of handicapped offenders. Less clear, however, is their ongoing involvement. In many correctional education programs, it appears that assistance in child identification activities is not provided routinely to the education program from staff of the host agency not assigned to education (e.g., cottage parents, correctional counselors). Information should be collected about the child identification process used after intake and/or facility assignment within the facility but outside of the correctional education program.

3. All Identified Children Are Evaluated
4. Systematic Inschool Child Identification Procedures.

In most correctional facilities and correctional education programs, initial identification and evaluation activities are merged into a single, diagnostic intake process (whether centralized or not). In adult correctional institutions, this is often the only formalized individual evaluation offered, although educational staff may well augment a cursory diagnostic/intake procedure with a quick, self-administered educational achievement test. Post intake identification procedures are often ad hoc and not linked to a subsequent individual evaluation. Because of the high incidence rates in offender populations, monitoring questions should specifically request information about identification procedures used by intake staff and by education program staff to refer offenders suspected of being mentally retarded, learning disabled, or seriously emotionally disturbed for individual evaluation and the standards, if any, used to determine when such a referral should be made.

COMPLIANCE ISSUE C. INDIVIDUALIZED EDUCATION PROGRAMS

Four IEP subissues are affected directly by the unique operation and environment of correctional education programs:

1._____ The IEP is in effect prior to provision of services.

2._____ An IEP meeting is held within 30 calendar days of a determination that a child needs special education and related services:

3._____ Participants Include:

- a. _____ A representative of the public agency.
- b. _____ The child's teacher.
- c. _____ The child's parent(s).
- d. _____ The child (where appropriate)
- e. _____ Evaluation personnel (qualified to provide or supervise special education.
- f. _____ Others at the discretion of the parent(s) or agency.

****

4._____ The IEP contents describe:

- a. _____ The child's present performance level.
- b. _____ Goals and objectives.
- c. _____ The special education and related services to be provided to the child.
- d. _____ The extent to which the child will participate in regular education programs.
- e. _____ Dates of initiation and duration of services.
- f. _____ Objective evaluation criteria and procedures.

The following nine observations about the correctional education environment of most programs may assist SEAs seeking to develop an effective monitoring strategy for each of these compliance subissue areas:

1. The period of enrollment of handicapped offenders in the correctional education programs of pretrial detention centers and jails is usually both short-term (i.e., less than 90 days) and indefinite;

2. The period of enrollment of handicapped offender in the correctional education programs of juvenile correctional institutions is usually less than one school year and rarely in excess of two school years;

3. Parent involvement in all correctional education programs is extremely limited, and states vary significantly as to whether parents retain any rights in connection with education while their children are incarcerated;

4. Diagnostic evaluation activities are often conducted at central diagnostic intake centers which are geographically remote from the correctional education programs;

5. Access to the local education records of students in correctional education programs is rare and participation of the student's prior teachers is extremely unlikely;

6. In many adult correctional institutions and some juvenile institutions, work assignments often take precedence over education and the time available for participation may be sharply curtailed;

7. The vast majority of handicapped students enrolled in correctional education programs will never return to local elementary and secondary school programs;

8. Security and space considerations within all types of correctional facilities often seriously constrain the student instructional capacity of the correctional education program; and

9. In many correctional education programs, students are assigned to one of several self-contained, mutually exclusive instructional programs (e.g., remedial, bilingual, vocational, special education) with little opportunity for multiple participation; in other programs (particularly in adult correctional institutions) all students (including handicapped students) are assigned to a notch in a single, adult basic education curriculum.

Discussion

The first two observations, have significant implications for the collection of monitoring information related to the IEP process. Rather than simply collecting or reviewing information about the number of handicapped students enrolled at a given date, information also should be collected with respect to the number of handicapped students served during a 12 month period. In addition, because of the issue concerning frequent interruptions in the provision of services, information about the average number of days handicapped students were "out of school" should also be collected. These two observations also have major implications for the feasibility and desirability (particularly in pretrial detention centers and jails) of requiring that the IEP be in effect prior to the provision of services and permitting up to 30 days for the IEP meeting where that time frame may actually exceed the average length of enrollment of handicapped students. In addition, the feasibility of including the date of duration of services may be impossible in detention centers and at least difficult in juvenile correctional institutions.

Observation three bears directly on the feasibility and legality of focusing monitoring attention to parent participation in the IEP conference. Similarly, observation (4) makes it difficult for evaluation personnel to participate in the IEP conference. Observation five also bears directly on the feasibility of the participations of any of the child's prior teachers in the IEP conference.

Compliance sub-issues related to the content of IEPs peculiar to correctional education programs are raised by observations 6-9. Obeservation (6) is linked directly to screening issue (6) "Limitations on the time available for instruction," and observation (7) certainly should have a direct bearing on the appropriateness of IEP goals and objectives. Observations (8) and (9) suggest strongly that monitoring questions related to the IEP process explore the constraints on the special education services which may be actually available for handicapped students because of rigid program organization (often tied to federal funding sources) or space limitations. The earlier discussion in this section of the availability of related services is also relevant to that subissue.

COMPLIANCE ISSUE D. PROCEDURAL SAFEGUARDS

There are two principal issues and numerous compliance sub-issues under the Procedural Safeguards compliance area that are relevant to the operation of correctional institutions:

1. All relevant state agencies have implemented procedures consistent with SEA guidelines.

2. Procedures are in place which assure:

   a. ________ Opportunity to examine records.

   b. ________ Right to an independent evaluation.

   c. ________ Right to an impartial due process hearing.

   d. ________ An impartial hearing officer.

   e. ______ Hearing rights.

   f. ______ Right to a hearing decision appeal.

   g. ______ Right to an administrative appeal. impartial review.

   h. ______ Right to pursue civil action.

   i. ______ Adherence to timeline/convenient hearings and review.

   j. ______ The availability of surrogate parents, if needed.

   k. ______ The knowledge and right to file a formal complaint.

Many correctional education programs have not developed separate procedural safeguard procedures (subissue 2) but instead have used existing institution wide offender grievance procedures. This "grafting" has occurred widely in both juvenile and adult correction institutions, and such institutional due process procedures are often traceable to prior offender rights litigation within the state. As a result of the somewhat confusing overlap of due process procedures related to offender grievance (sub-issues 2, K) monitoring questions in these areas should be prepared only after careful review by SEA lawyers of state and federal due process procedures made applicable to the institutions by statute, regulation, or court decision.

In light of the discussion of compliance issues related to evaluation elsewhere in this section and the security considerations related to the conduct of an outside evaluation, information should be collected about the procedures used by the correctional education program to provide an independent evaluation if requested by a handicapped or non handicapped student.

The question of the designated surrogate parents within the correctional setting raises major questions of federal and state law. Caution is recommended in preparing specific monitoring questions and in interpreting and applying P.L. 94-142 requirements. An _"Analysis of the Legal Issues Involved in Implementing the Surrogate Parent Requirement of P.L. 94-142,"_ prepare for the Bureau for the Education of the Handicapped by the Federation for Children with Special Needs, Inc. in 1979, reported that the states vary widely on the role of the natural parents in exercising rights on behalf of adjudicated youth. These compliance sub-issues are linked directly to another recommended for screening issue

> "The existence of surrogate parent procedures
> utilizing persons not in the employ of the
> correctional agency."

COMPLIANCE ISSUE E. CONFIDENTIALITY

There are three unusual compliance sub-issues related to confidentiality requiremen that appear to arise regularly in the context of correctional education programs:

First, the question of the authority of parents and surrogate parents under state & fedral law to inspect and review records should be resolved before monitoring questions be developed and information collected concerning access to and the amendment of educational records.

Second, in certain adult correctional institutions "trustee" offenders are provided access to educational records containing personally identifiable information. Before monitoring questions are developed, state law questions must be resolved concerning whe a "trustee" offender working in the facility is an "official" of the correctional agenc entitled to access to personally identifiable information and/or whether the correction agency can consent (as the "parent") to such access.

Third, state law should be reviewed on the question of supervening offender due process rights before monitoring questions are developed on the conformance of the correctional education program with mandated hearing procedures.

COMPLIANCE ISSUE F. PROTECTION IN EVALUATION PROCEDURES

There are two general categories of compliance sub-issues under the protection in Evaluation Procedures issues:

1. The content of the individual evaluation conducted and the composition of the evaluation teams; and

2. The procedures used to determine educational placement and the composition of the persons making the placement decisions.

Each of these major subissue clusters will be discussed separately in terms of the unusual compliance issues raised by the correctional environment.

Sub-issue 1. Content of Individual Evaluations and Composition of Evaluation Teams. The use by a juvenile or adult correctional institution of a centralized or decentralized intake/evaluation process common to all offenders (including those not suspected of being handicapped) as the sole or primary procedure for individualized evaluation raises major compliance questions about both the thoroughness and individualized nature of the evaluation. In addition, the classroom observation required before the evaluation of a child suspected of being learning disabled would be impossible at the intake point. Information should be collected to determine the numerous required components of the intak evaluation and whether those components can be and are supplemented to provide more detailed information on offenders suspected of being handicapped. This compliance sub-issue is directly linked to a screening issue identified in Part III:

> "The components of any individualized evaluation conducted by central diagnostic or evaluation centers."

Similarly, because of the existence of a generalized intake/evaluation process, monitoring questions should be developed to ensure that the evaluation is conducted by a properly qualified multi-disciplinary team. With respect to the evaluation of children thought to have specific learning disabilities, information should also be collected with respect to the existence and content of written evaluation reports and the use of proper evaluation.

In addition, information should be requested during the monitoring process as to the procedures for scheduling an individual evaluation of an offender after the intake process has been completed. With few exceptions, monitoring questions related to triannual reevaluations should be confined to correctional education programs operated in adult correctional facilities.

Sub-issue 2. Placement Procedures and the Composition of Placement Teams. In general, the development of monitoring questions related to the placement process are affected by the same basic factors about the correctional education environment described above in the context of individualized education programs. Again, these factors as well as the generalized intake evaluation procedure and the inaccessibility of prior school records constrain the variety of sources from which information can be drawn, the composition of the group of persons making the placement decision, and the ability in pretrial detention facilities and juvenile correctional institutions to base initial placement decisions on the IEP.

COMPLIANCE ISSUE G. LEAST RESTRICTIVE ENVIRONMENT

There are several significant implications of the correctional education setting in both juvenile and adult correctional institutions for the monitoring of the continuum of alternative placements requirement within the general obligation to provide education in the least restrictive environment.

1. A continuum of alternative placements are available which include:

(a) ________ Regular classes.
(b) ________ Special classes.
(c) ________ Special schools.
(d) ________ Home instruction.
(e) ________ Hospitals and institutions.
(f) ________ Supplementary services provided in conjunction with regular classroom instruction.

First, instruction in special schools is generally not feasible as an alternative placement in correctional settings.

Second, the concept of "home instruction" could be extended to apply to instruction provided to handicapped students placed in isolation or administrative segregation units.

Third, given the limited availability of space, staff, and program options in many correctional education programs, supplementary services provided in conjuction with regular classroom instruction may be nonexistent or severely limited.

Fourth, the creation of secure areas within the facility (with self-contained education settings) may have a substantial impact (both positively and negatively) on the degree to which handicapped students are placed in settings with non handicapped peers. These monitoring questions are all linked directly to a screening issue identified above:

> "Isolation of handicapped students in self-contained education programs."

Each of these implications should form the basis for specific monitoring questions aimed at eliciting the actual continuum which exists within each correctional education program.

COMPLIANCE ISSUE H. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Information should be collected to ensure that each monitored correctional education program is participating fully in the development, review, and annual updating of the state's comprehensive system of personnel development and the inservice personnel development programs [illegible] by the SEA.

Mr. McKinney. I forgot I'm the subchairman here.

Thank you very much.

Ms. Rowe, the—or Commissioner, I guess I should say. In your statement, you stated that an education program was initiated at the receiving home in July 1984. But isn't it true that this education was provided by a private contractor, and it did not include special education, and, in fact, it ceased in November 1984?

Ms. Rowe. I'm sorry. It ceased in 1984?

Mr. McKinney. That's what I just—it was initiated at the receiving home, according to your testimony, on July 1984. It was provided by a private contractor. But it ceased in November 1984, didn't it?

Ms. Rowe. Yes. Well, the contract that we had with that particular contractor expired in 1984.

Mr. McKinney. Could you state, for the record, who the contractor was?

Ms. Rowe. Educational Support Services.

Mr. McKinney. Educational Support Services.

Ms. Rowe. Yes.

Mr. McKinney. Were there any educational services provided between November 1984 and the initiation of the new Receiving Home Program in April 1985?

Ms. Rowe. We have to remember that the receiving home was not opened as a residential facility at that time. We, quite—several years ago, were under court order to only use the receiving home for 24-hour holding facility. But during the time of this court order, we still had a number of youngsters who were court-ordered placed there by the judges. Not—the number of those youngsters continued to come. And we were not able to negotiate another placement. We felt it was important to have some educational program for those youngsters, since they were going to be there, in one sense, in violation of another court order. But that was the decision that the judges had made.

We got a contract. During that time, we were also moving, ourselves, to open the receiving home as a regular residential. And we were in the process of negotiating with Public Defender Services to develop the program.

When the contract expired, we had anticipated being able to open the receiving home that following January. Unfortunately, we were not able to get through the negotiation process until a bit later. And it was later that we then recreated or expanded the educational services once the program opened.

Mr. McKinney. On page 5 of your statement, you state that the DCPS IEP's are obtained and placed in a juvenile's YSA file.

How are these IEP required services incorporated into the juvenile's individual instruction plan subsequently provided?

Ms. Rowe. Well, what we try to do, once we acquire the IEP's from the D.C. public schools, is use our own team, which sits down and looks at what is required in the educational requirements, as well as what we have determined in social adjustment, vocational, recreation, all of the other requirements, and incorporate, mesh the two, so that we can have a total picture of what that child needs.

Mr. **McKinney**. Are you aware that in June 1985 an independent evaluation contracted for and paid for by YSA found problems with the internal and contractual educational programs at the receiving home?

Ms. **Rowe**. I'm not aware of which contract you are referring to.

Mr. **McKinney**. In your statement, you described several vocational training programs. You state that the OIC Building Trades Program includes a certificate and job placement.

Ms. **Rowe**. Correct.

Mr. **McKinney**. Do students in barbering class get a barber's license and job placement?

Ms. **Rowe**. No, sir; that is the next step that we are moving to in the barbering program. What we have been trying to do, sir, is recognizing that we had a number of deficiencies within our institutional program. It's to tackle some of the pieces on sort of a timely basis, rather than trying to shotgun everything. Putting the OIC program in, getting the print shop in place, moving on to the barbering program and the culinary arts program is just the—strategically the way we had planned to do it.

Mr. **McKinney**. And you're moving also into an office skills program?

Ms. **Rowe**. Yes.

Mr. **McKinney**. How many hours would a student get in an office skills program?

Ms. **Rowe**. I'm told it's 3 hours a day.

Mr. **McKinney**. Three hours a day in a formal sort of a classroom setting?

Ms. **Rowe**. Yes.

Mr. **McKinney**. Are there tests at the completion of these various different programs to, in fact, determine whether there's been a successful completion or not?

Ms. **Rowe**. There are tests. Well, let's use the office machines program, for example. There are tests going in to that program to determine the student's level of proficiency. There are tests, periodically, during the period of time in which a young person is in. And there's a test sort of at the end.

One of the problems that you have in programming in any of these institutional placements is, quite often, we have a youngster, and then we get something that tells us that youngster is moving some place else, either is ready for prerelease or whatever, so that there isn't a specific time period in which we do it. We just try to do it periodically while the youngster is in the program.

Mr. **McKinney**. You mentioned, on the last page of your printed testimony, which did not, for the record, include the two case studies, that the city has agreed to use some of the funds appropriated by Senator Specter to improve adult correctional education programs at Lorton to Oak Hill.

In checking with the Senate Appropriations Committee, I found that no formal request has been made for this yet. And in fact, it would take action by the Appropriations Committee to transfer those funds.

I have been led to believe that there's no objection to this, but that there would be serious questions as to the actual detriment to the Senator's $20 million, which he designed for adult education at Lorton.

Ms. **Rowe**. I am not aware of what the city's process is. I am aware of discussions or I have participated in discussions with the city administrator and others who have made the commitment to use some of those funds.

Mr. **McKinney**. Well, I'm not—you know, I'm not even saying it's a bad idea. And it's probably a pretty good idea. But I am stating that it would have to be done by the Appropriations Committee or, in fact, it couldn't happen because the Senator's move was very specifically aimed at Lorton.

Ms. Quann, why hasn't your agency regularly notified the public schools when you have released a juvenile who would be returning to the public school system?

Ms. **Quann**. Juveniles, particularly those leaving from Oak Hill, in some cases, do not return to the D.C. public school system. They are over 16 years of age and are not required to return.

We've been trying to develop a release plan system for each youngster, when leaving, so that there are—they're going into some kind of vocational training program upon release, go back in to some specific training program in the city. We are working very hard trying to design programs for really older adolescents. And I think it's important to stress to you that the majority are men at Oak Hill. They're 16 or 17 years old, and may be making a number of conscious decisions about what they want to do upon release.

We are transferring and trying to get information into D.C. public schools through our news release program. And one of the things in the testimony, I'm sure, that you have talked about the development of our prerelease unit at Oak Hill.

We recognize the difficulty in transitioning people from an institutional placement, particularly one some distance from the District, back into the city, back into any kind of program, whether it's the D.C. public schools or another kind of vocational program.

Mr. **McKinney**. The public schools of District of Columbia have a truancy problem. I think we're all aware of that. And I would assume that truancy at your facilities would be called abscondance.

Ms. **Quann**. Correct.

Mr. **McKinney**. What is the rate of abscondance at this time at the receiving home, Cedar Knoll, and Oak Hill, respectively?

Ms. **Quann**. I will have to provide you with those figures later.

Mr. **McKinney**. Would you provide those for the record?

Ms. **Quann**. Yes, I will.

[The information follows:]

YOUTH SERVICES ADMINISTRATION

ABSCONDENCE LIST
1980-1985

September 11, 1985

YEAR	OAK HILL YOUTH CENTER	CEDAR KNOLL SCHOOL	RECEIVING HOME FOR CHILDREN	TOTAL
1980	46	156	10	212
1981	97	145	6	248
1982	97	210	11	318
1983	56	144	3	203
1984	56	149	11	216
1985	55	24	14	96
TOTAL	504	828	55	1293

Mr. **McKinney**. I understand that there are teachers who are employed who are not certified to teach. How do you plan to correct that?

Ms. **Quann**. Well, right now, they are brought in under our personnel services, our personnel roster. We have been working to bring them into compliance with certification. One is the program that you mentioned at Bowie State, where they can receive their master's in special education from Bowie and graduated this year.

Then they are able to get certification from Maryland and then certification in the D.C. public schools.

We will continue. And in rewriting and redrafting position vacancy requests, we are now trying to write those so that they require that any new teachers brought on will be certified by the D.C. public schools.

Ms. **Rowe**. But let me add, Congressman, that in one of the—in looking at the OPM personnel action that hired the teachers that we have on board, the OPM personnel action specifies that the teacher is a teacher—special education.

So, the system that the District—that we are under, as sort of the executive branch of government, does certify the teacher or the individual as being qualified for special education.

Mr. **McKinney**. Well, we'll get into the problem of Bowie State.

Counsel reminded me, by the way, and I think it's an important point to keep in mind, that Public Law 94-142 does not cease at 16 nor even at 18, that, in fact, it goes to 21. So, it seems to me that there is a continuing requirement for special education for those handicapped until they are, in fact, at the age of 21.

Ms. **Rowe**. We understand that. And we certainly agree with that. And I guess, again, it—the philosophy of what we need to do for these young people versus, perhaps, in this particular case, what the law has set out in terms of an age range, in working with young people, I do not believe that having had some involvement in working with Public Law 94-142, as well as *Mills* preceding that, as well as studies throughout the country on special education, in my own personal experience, one of the things that really was never addressed in a very significant way was what we do about young people who are in correctional settings, who exceed compulsory school attendance, in a particular State, and who have handicapping conditions, and what is appropriate in terms of a training and a placement for those young people.

The law really looked at what I consider to be the normal progression of a young person who is in a school setting to ensure that they can be—they can develop to the full of their potential, and that the State and the schools had a responsibility to offer that.

And, so, I think there's somewhat of a rethinking and a conflict, quite frankly, that we are going through in trying to ensure compliance with the law, but trying to ensure that when the young people come out that they have jobs and they are ready to function in the society.

Mr. **McKinney**. Fairly put. It's tough to keep them down on the farm after they are 16 without the proper educational tools.

Ms. Quann, I'm really interested in why YSA contracted with Bowie State, who has no accreditation. And I think I just don't simply understand it. And we learned earlier how much it costs.

But there certainly must be institutions with accreditation that could have handled this.

Ms. **Quann**. I would be happy to submit, for the record, the materials that I have from Bowie State and the graduate school, and materials stating that they are certified, accredited, and talking about the process.

In addition, a letter from the State board for higher education for the State of Maryland, which reads:

> Dear Mrs. Quann: Regarding your recent inquiry, the Maryland State Board for Higher Education recognizes/approves for Bowie State College the offering of a graduate degree program Master's of Education in Special Education.

Mr. **McKinney**. Are you aware of the fact that the Maryland Board of Education notified Bowie that they were not to pass out those materials and they were to eradicate any, any example or, in fact, statement that they were accredited for this?

Ms. **Rowe**. No, we're not. And one of the things that we did look into in this issue if, in fact, that was the case. And it was during the contractual period. And Bowie State did not notify us that they could not live up to requirements of the contract, which was to provide training for teachers in special education.

I can assure you that we will take the appropriate action.

We went into a contract with good faith. We have teachers who have now—or individuals who have now been trained and who assumed that they can present the papers which they now have to the State of Maryland and get reciprocity for the District.

If something happened during the lifetime of that contract or prior to that contract, and we were not notified by Bowie, we will take the appropriate action. And I am sure Mr. Rivers will expect us to do that.

Mr. **McKinney**. I hope so, to retrieve the taxpayers' money.

And I'd yield to counsel for a moment.

Mr. **Hobson**. Just one question.

Besides the State board of education, there is also—there are also independent accrediting bodies.

Could you submit, for the record, please, whether or not the program at Bowie State, both on campus and the extension program were certified by an independent accrediting body?

Ms. **Quann**. The materials that I have say that they are accredited by the Middle States, a particular association, and a number of others.

But, again, we want to stress to you that if there are some issues here about whether that particular program presents our teachers with what they needed, we will pursue that. That was our reason for sending them there, was to get the certification.

Mr. **McKinney**. GAO tells me that half, fully half, of the aftercare workers do not have any qualifications, any degrees in the work they do with children.

How can that happen?

Ms. **Quann**. There is no person that can be on the staff in a civil service position that hasn't come through some hiring process from the bureau of personnel and met some qualifications.

Now, in fact, all of the workers are not social workers, very much like Al Schuman said. And I would agree that it doesn't always take a master's degree in social work to work with the youngsters. A number of our people are social service representatives. They have met whatever standards were required at the time to work in the program.

Mr. McKINNEY. Well, let me restate my question. We're talking about half of them not having any degrees. These are, in other words, high school graduates.

Now, certainly, that doesn't qualify somebody to direct the life of a child.

Ms. ROWE. One, we will look at the qualifications again. But, second, Congressman, many of the individuals who have been working in the Youth Services Administration started out—and I have to admit—as I did, as what was called the youth worker, many, many years ago. And some pursued and went back to school and got degrees and went on to other jobs, others did not, and have had years of experience in working with young people.

I would—and I always get myself in trouble when I start getting too close into this area. But I would venture to say that some of these individuals are as effective and, in some cases, more effective working with some young people than individuals who have come out of school with master's degrees.

As a matter of fact, I very recently had Congressman Dixon give us great praise for a social service representative in the child and family services division who was not a MSW social worker, but who had engaged in a very difficult task and had done an excellent job.

So, we will look at the qualifications. We will look at the length of experience. We will look at how people got into the division.

But I do not necessarily agree with the GAO conclusion.

Mr. McKINNEY. Are there any—I state that I, too, quite frankly feel that I could do a better job teaching how the Congress works, after 16 years, than someone who has had blackboards and erasers 101 and 102. And, yet, in the State of Connecticut I couldn't teach how Congress works in a public institution because I do not have teacher certification. And I agree with it.

Practical experience is important. But it seems to me that what we're really saying is, here, is that YSA and DHS need a review process that can recognize practical experience.

I believe it's the State of New Jersey. They're going to can a hundred and something odd teachers because they don't have blackboards and erasers. One, who they interviewed on television, has been teaching ballet for 40 years in the school system. And why you should have to have blackboards and erasers to teach ballet or dance I haven't the foggiest notion. I really don't know why you need it to teach culinary arts either, because if you were in school that long you probably didn't learn how to be a very good cook.

But what I think we're saying is, that with the problems we have, systemic to the situation, we'd like some proposal sent to the committee of some kind of a semblance of a review process. And if you decide—you run the city, you run that department—if you decide that, in fact, practical experience and these people come up to snuff is fine, then that's fine also.

However, I really don't want to see someone who doesn't have any practical experience, with a high school degree, directing a child's life. And I think that's the essence of what we are talking about.

GAO, again, obviously, tells me that Youth Services Administration has contracted with a private contractor to handle the special education diagnosis, programming, and monitoring for Youth Services Administration.

What agency is the contract with?

Ms. **Quann**. It's with ESS.

Mr. **McKinney**. ESS.

Ms. **Quann**. And it's at Oak Hill. No longer doing an educational assessment at the receiving home, though they started a program there until we could get staff——

Mr. **McKinney**. Was there a request for a competitive bidding for this contract?

Ms. **Quann**. No; for the receiving home there was not. It was a small contract, covering a short period of time, as I said, until we were able to get staff transferred from CK, from Cedar Knoll.

Oak Hill, it was an expansion of the contract.

Those contracts will have to be RFP'd when we get into a position and determine what kinds of services, if any, we want to contract at the institutions.

We have vacancies. We have a number of vacanies at the institutions we've been trying to fill. These contracts have been stop-gap to get us through until those positions can be filled.

Mr. **McKinney**. Well, in other words, you are saying this is an expansion of a contract, moving from the receiving home to Oak Hill?

Ms. **Quann**. Well, there was an original contract with ESS for the Community Services Program, which was RFP'd, along with a number of other contracts.

This was built on to that contract as a short-term service because of an emergency situation, frankly.

Mr. **McKinney**. How much is this contract for?

Ms. **Quann**. I think it was around $60,000. I'll have to get those exact figures.

Mr. **Rivers**. Congressman, I think that the original contract called for a total amount of $60,000, which was RFP'd. And the second, amended contract was for $40,000. So, you're talking about $100,000 for total contract.

Mr. **McKinney**. Did YSA or DHS check the qualifications of ESS, their certification to make a diagnosis, how many of their staff have certification before they were hired?

Ms. **Quann**. Again, the ESS original contract was based on an RFP that they submitted. In that RFP—response to the RFP, their staff qualifications were listed and were reviewed by an independent group who chose them to provide those services.

They are used by a number of court individuals and a number of other people in terms of the quality of their evaluations and services provided.

I do have——

Mr. **McKinney**. In 1985, you contracted with a Mr. Paul DeMauro for an assessment of the receiving home. We understand that his assessment was, essentially, an evaluation of Youth Services Administration components with recommendations he had made a year earlier. We also know that his evaluation took place on June 17, 18, and 19, that it was concluded, and that it was delivered to you. We know that it contained information concerning the educational programs at the receiving home.

What is the private contractor, who handles the education program at the receiving home—that's ESS, right?

Ms. **Quann**. It was, at that time, yes.

Mr. **McKinney**. Is that the same contractor you used in June 1985?

Ms. **Quann**. Yes.

Mr. **McKinney**. OK.

How much did that evaluation cost? Do you have any idea?

Ms. **Quann**. I'll have to get you that.

Mr. **McKinney**. OK. We'll get that for the record, counsel.

Ms. **Quann**. Yes.

Mr. **McKinney**. Now, why wasn't that report turned over to GAO when they specifically requested it?

Ms. **Quann**. There seems to be a lot of confusion about what reports were requested and not requested, what they were involved with, Public Law 94-142, or not involved.

Paul DeMauro was originally a part of an agreement we were working out of the public defender's office on the reopening of the receiving home to operate as a monitor for the receiving home.

Even when we couldn't go forward with that court order because the point had been determined moot, I said, I think it's still important to have a quarterly review by Paul DeMauro on the issues that were involved in that original litigation.

That's what he's been doing for us. And he covered a whole series of issues that have to do with management, have to do with physical safety, have to do with medical services and mental health services. And that report from Paul DeMauro I do not remember being specifically requested of me. If it was, one of the reasons I probably wouldn't have given it to them right away is because I needed time to go over those materials with my staff, a couple of whom have not been around.

But I'm sure, knowing all the other materials we've shared with GAO, we would have said that as soon as we had a chance to go over it we would share it with them.

Mr. **McKinney**. I would submit, at this time, counsel, a letter to Mr. Rivers requesting all this information, dated August 16, 1985.

Mr. Rivers, I found, quite frankly, the materials you attached to your statement concerning special considerations in developing standards for providing special education in correctional institutions very helpful. In fact, GAO had used them in their own research relevant to their studies.

We've heard today that Youth Services has no standard for compliance with Public Law 94-142 because there are, except at the receiving home, no special education programs.

Are we to assume, then, that you intend to use these materials in your effort to begin implementing Public Law 94-142 at all juvenile detention centers?

[The letter follows:]

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

HINGTON REGIONAL OFFICE

August 16, 1985

Mr. David E. Rivers
Director
Deparment of Human Services
Room 700
801 North Capitol Street, NE
Washington, D.C.

Dear Mr. Rivers:

As you are aware from my prior meeting with you, we are conducting a study of the implementation of P.L. 94-142, the Education for All Handicapped Children Act, as it relates to juvenile delinquents in the District of Columbia. This letter is to request that you provide us with copies of any and all monitoring reports or special studies on Oak Hill, Cedar Knoll, or the Receiving Home for Children, which have been prepared since 1980. We are requesting any such reports prepared by internal DHS staff, external contractors, or interest groups.

If you have any questions about this request, please do not hesitate to telephone me at 275-8904.

Sincerely,

Anthony N. Salvemini

Anthony N. Salvemini
Senior Evaluator
Washington Regional
Office

cc: Ms. Patricia Quann, Administrator, YSA

Mr. **Rivers**. Yes, we are, Congressman. Also, we are looking forward to, obviously, going through the GAO report to see what other helpful information we can glean in order to improve our system.

Mr. **McKinney**. How soon do you feel that you will be able to get all of this straight?

Mr. **Rivers**. I'd hate to speculate right now. I'd like to have some time to look at the report and give you a definitive time frame. I don't want to commit today, and then tomorrow not be able to deliver.

Mr. **McKinney**. OK. We'll correspond with you, and we'll make that response a part of the record.

As the director of the D.C. Department of Human Services, you're responsible for overseeing the operation of youth services. And we've heard today that youth services does not fully cooperate with an investigation that was initiated by Congress, that documents and other materials critical to their investigation by their determination and these hearings were not turned over despite their repeated requests both orally and in writing.

I guess I'd really have to ask why these materials weren't turned over. They were paid for with public money, and, therefore, they are obviously meant to be accessible, particularly to the General Accounting Office of the Congress.

Mr. **Rivers**. Congressman, with all due respect, I don't think that the GAO statement is accurate. Because I think on the 16th of August was the first time that I communicated directly with Mr. Salvemini concerning some requests for information. And sometimes these information requests can take a little time to prepare. But, normally, our process is to turn over information once we glean out what's releaseable. So, I don't think that's correct at all.

Mr. **McKinney**. Well, they, GAO, tell me that they made a first request for information in April 1985, a second in May 1985, a third in July 1985, a fourth in late July. And then, finally, the letters were written. The letter that I put in the record was written to Mr. Rivers, with a copy to Ms. Quann. And, then, in fact, there was another oral request late in August. So, that there were six formal requests and many interim followup——

Mr. **Rivers**. I have received only one letter to date. August 16 was the first time I received any request from GAO for information.

Mr. **McKinney**. Well, the requests were, in fact, oral, and I believe there were some written. And there's a record kept by the GAO of all communications with any agency that is under investigation.

Ms. **Rowe**. Congressman, the other—I just want to add that if the GAO was having problems with receiving documentation and information, they, at no time, ever notified my office. As a matter of fact, I'd like to say on record, they, at no time, ever came to see me with regard to this overall investigation.

The kinds of materials—and on a couple of occasions Ms. Quann did call me and say that she had a request that wasn't clear what GAO was asking for. And we were never able to get any clarity.

We did have the department's office of inspections and compliance call the GAO chief of this operation to ask them to give us some clarity and to give us some request in writing. And that may have precipitated the letter to Mr. Rivers.

Mr. **McKinney**. Well, I guess I'm still trying to go at this in a constructive fashion. I find myself very disturbed that a congressional investigation into how handicapped children are being educated and counseled in the District under the supervision of DHS, YSA, as well as courts, and everything else, that we haven't received a lot of information.

So, I'm going to do two things. I want to have delivered to me personally all documents and materials and information requested by GAO. And I want that information delivered before the end of this week to 237 Cannon House Office Building.

Second, I'm going to ask that the GAO conduct a staff qualifications review of every person employed by Youth Services, either as a city employee or those services that are contracted for by DHS and YSA. I want to know about the people charged with educating and counseling and supervising these kids.

I don't see how, in essence, we can solve this problem until we find that out.

Counsel?

[All documents, information, and materials asked for above are being held in committee files.]

Mr. **Hobson**. Thank you, Mr. McKinney.

The chairman has a number of questions for Ms. Quann. As time goes, we'll submit some of the rest to you that you can respond to in writing.

Ms. Quann, for over 1—and I believe somebody else testified that maybe 2 years—you and the public schools have been processing joint procedures for monitoring private facilities.

Why have you taken so long to finalize these procedures? And when do you anticipate that they will be implemented?

Ms. **Rowe**. That's not Ms. Quann who has been involved in that process.

Mr. **Hobson**. Can either of you answer that?

Ms. **Rowe**. Mr. Dykes.

Mr. **Dykes**. The procedures referred to refer to the placement of children in the District of Columbia in private residential treatment facilities. The procedures were developed by the DHS and D.C. public schools.

The other thing, it's been approved by Mr. Rivers and has been sent to the public schools. And we are in final review.

Mr. **Hobson**. Given that the court is still committing children to Cedar Knoll, what is your plan for providing education, special and regular, for juveniles currently residing at Cedar Knoll?

Ms. **Quann**. We are planning—as stated earlier, the juveniles still remaining at Cedar Knoll are detained. The committed—any committed child that's at Cedar Knoll, at this point, is being moved into Oak Hill and into the education program there.

We are planning, as long as we have some detained youth there—we're working right now to develop a system of providing education in the cottages at Cedar Knoll until that population can finally be phased out.

Mr. **Hobson**. How many children are at Cedar Knoll now?

Ms. **Quann**. Forty.

Mr. **Hobson**. When do you expect to close Cedar Knoll?

Ms. **Quann**. Well, of course, as you know, we had hoped to be out of there by the 1st of October. And we are still hoping that we will be able to bring that down as soon as——

Ms. **Rowe**. One of the—one of the issues that we face, certainly during the summer, is the movement on the court calendar and ensuring that all of the young people who are coming in are detained in—and an adjudication is made rapidly so that a young person can either be moved into a committed status, and, therefore, into Cedar Knoll or into community services programs or into aftercare in a group home.

And we will be meeting with the courts. We're looking at the statistical data now to determine how many young people have been in a detained status for what period of time, meeting with the courts to see if we can get some of these cases calendared.

We also have young people who are in our residential, our institutional facilities, who are awaiting placements in residential. So that there are a couple of things happening at the same time.

As soon as the residential facilities are able to accept those young people, then we will be able to, as well, move young people around.

Mr. **McKinney**. To refer back to my comments, earlier, on reports to be delivered. We now know that you do have a request, as of August 16, in writing. Along with that information to be delivered, I want the—which I believe we had asked for—the logs of the cottages, residential care units for Cedar Knoll, Oak Hill and the receiving home or whatever type of record is kept of the daily occurrences, as well as the institutional logs. And I will have staff discuss with you how far I want to go with that as far as dates are concerned.

I also would like to say to you, Mr. Rivers, that committee counsel, majority counsel and minority counsel, will be calling upon you because, somehow or other, Cedar Knoll and Oak Hill's status as far as protection of the youth has got to be determined.

The interplay of the State of Maryland, the U.S. military, the park police, the D.C. police, et cetera, et cetera, is just wholly not acceptable. And there has got to be some specific agency, individual, or something—this is a D.C. facility—responsible for the personal safety, health, and well-being of the people incarcerated in those institutions.

We will leave it at this point because special education is the question at issue here. But, in fact, this committee has received some of the most disturbing testimony I've heard in a long time about the issue of public health and safety.

And although the general population may not get too concerned about the public health and safety of those who have been incarcerated, this particular Congressman happens to feel they're equally as human as we are, though, in fact, in some sort of trouble, either because of environmental, educational, handicapped, or what have you, particularly kids.

And the logs we would ask for would come from both Oak Hill as well as Cedar Knoll.

I would hope—and I know I speak for Walter, too—that from these hearings we could get something accomplished.

Since coauthoring the home rule bill, I have never interfered in the internal process of this city. In fact, the chairman of the full committee and I have spent a 6-year period writing all kind of rules to keep us out of it.

I've become involved in this issue only because of the fact that this has gone on, and on, and on, well before many of you even hit the scenario. We have a serious systemic problem in the system. It is going to be solved. It is destroying the lives of many, many children.

We seem to have a $34 million machine designed to produce convicts for Lorton. I'm not going to tolerate that. Congressman Fauntroy is not going to tolerate it.

We feel very strongly that with cooperation—and that is what this hearing has been about—we can solve it. But it is going to be solved. Because not only are we not servicing these children, we are denying the D.C. productive citizens. And, on top of that, we have issues of the public health and safety of youth, which is vital. And, so, you will be hearing from us.

I believe that the chairman of the subcommittee wanted me to make a statement about—but I'll make it myself.

We will be getting these reports from you. And we will be asking you, within 90 days, hopefully, not much longer, to come back to us. Perhaps a little longer because of this other issue. But to come back to us and tell us what, in fact, is being done. Not what you'd like to do, and not what you think you are going to do, but what is being done.

And I will make sure that my staff gets a letter off to the Mayor requesting him—because I know he is equally concerned—requesting him to take care of the problems that Mrs. McKenzie seems to feel exist within the jurisdictional level.

We cannot have 16 different chefs all working in the same kitchen.

We are going to be lucky, on a national basis, if we can save 35 to 40 percent of these handicapped kids and make them productive citizens.

I would like to see this, the Nation's Capital, where the public law that we discussed originated—I would like to see this city be the premier city in the United States for accomplishing the best that's possible. And I am sure that all of you agree with me.

I appreciate your indulgence, and I appreciate your questions.

GAO investigators were not sent at you to destroy you, but they were sent at you to see if we can't, together, come to some systemic solution to this problem. Thank you.

[The following additional material was submitted by the panel of witnesses as requested by the committee:]

[illegible]

P172
ⓒ

[illegible], 1986

[illegible] Member
[illegible] Representatives
[illegible] the District of Columbia
[illegible] House Office Building
[illegible]ington, D. C. 20515

Dear Congressman McKinney:

This is in response to the discussions with Roberta Hassalle, of your staff, and David Rivers and myself concerning compliance with P.L. 94-142 and additional documents not included among those previously provided.

I have enclosed the responses to the ten questions put to Mr. Rivers and, additionally, I am forwarding three boxes containing the logs from Cedar Knoll.

Sincerely,

Robert L. Mahoney, for
Audrey Rowe
Commissioner

cc: David E. Rivers

BEST COPY AVAILABLE

QUESTIONS FOR DAVID RIVERS

1. You state on page 3 of your testimony that you are attempting to provide a wide array of quality services for children with special needs. Please provide specific information about the services to which you refer which are directed at detained and committed handicapped delinquents.

   We have previously described the educational services we have developed at the Receiving Home for Children for handicapped children and provided a copy of our Educational Handbook in the material provided by Commissioner Audrey Rowe. Our corrective Action Plan for Oak Hill outlines the direction we are taking for Oak Hill. In addition we are expanding our counselling and vocational training programs for Oak Hill.

2. On page 3, you state that in 1978 DHS adopted procedures, began utilizing individual education plan forms, and that identification of handicapped students was by "referral only." Who made these referrals? Are you confident that all delinquents with potential handicaps were referred?

   Referrals were made by education specialists and psychologists based on direct observation and inspection of records. In 1980 Judge Penn of the U.S. District Court rules that DHS was not in compliance with Public Law 94-142 and that all delinquents with potential handicaps were not referred. Consequently, in 1980, the referral procedure was dropped and a new policy instituted in which all incoming committed residents were routinely tested to determine if they were educationally handicapped.

3. On page 3, you state that in 1980 routine testing was performed on all new admissions. Who conducted these tests, what were/ are their qualifications, and to what type (s) of testing do you refer? Do you refer to detained, committed, or both types of admissions?

   Testing was conducted by educational assessors and psychologists. Portions of the battery were group-administered whereas some of the tests were individually administered. The types of testing included in the battery are described in the attached memorandum dated March 10, 1980 (Attachment __1__). The specific duties of various disciplines are described in the memorandum dated March 27, 1985. Whereas test administration was conducted primarily by grade 12 Education Specialists, primary responsibility for test interpretation rested with licensed Clinical Psychologists at the Grade 13 level. The battery was administrated to committed residents only, in that the averaege length of stay for detained residents was 30 to 45 days. In view of the short length of stay and the high rate of turnover, it was deemed unfeasible and inappropriate to conduct extensive educational planning.

4. On page 4, you state that in 1981 an institutional care services division monitor of P.L. 94-142 was appointed. Who was this? Please provide me with the individual's name, credentials, and any and all reports this person produced. Is there such a monitor now?

In a career spanning more than 20 years, Ms. Patricia Edley served as Teacher (Education Specialist), Assistant Principal at Oak Hill, Principal at Cedar Knoll, and finally as Monitor of Public Law 94-142. Reports issued in March and May of 1982 are attached (Attachment 2). Unfortunately, Ms. Edley retired in the summer of 1982. Owing to budgetary constraints and staff shortages, that vacancy has not been filled. Consideration is now being given to the feasibility of identifying a new monitor of Public Law 94-142.

5. On page 4, you state that education courses were supported in part by DHS to enable teachers lacking full credentials to be eligible for certification. To what type of education courses are you referring? Is this a reference to the Bowie State College program?

The teachers participated in a Masters program at Bowie State College and were awarded a Masters in Special Education.

6. On page 4, you state that you expanded your vocational education services to address the special education needs of youth 17 years and older. Where are these services being offered? Are they for delinquents? Is a private contractor (s) providing the training? If yes, please provide full details. How are the students selected for the vocational education training? What kind of job placement follow-up is done to assist youth in getting jobs in the community? Can the youth get into unions through this training?

The expanded services referred to are at Oak Hill Youth Center for committed delinquents. The two programs are the O.I.C. Program and the Office Skills Program. O.I.C's Building Trades Program is a contract funded by the Rehabilitation Services Administration. The Office Skills program is provided by YSA staff funded by the Department of Employment Services. Student's in the O.I.C. program must be 17 1/2 years old and determined eligible for services by Rehabilitation Services Administration staff at Oak Hill. Students completing this program are placed in jobs by O.I.C. after release. This does not make them eligible for apprenticeship in the Union; however many construction firms are not union firms. Youth wishing to pursue apprenticeship can be referred to D.C.P.S. Careers Centers.

Students must apply for entrance into the Office Skills program. They must be 16 years old or older, and submit letters of recommendations from their classroom teacher and one cottage group leader. They are also interviewed by Office Skills staff. This program does not have a special placement process. Since most youth will now be phased out of the institution through the Pre-Release House, this staff will take responsibility for assisting a youth find a job.

7. On page 4, you state that the Mayor has formed a task force to oversee the transition of Oak Hill Programs and Operations. When was the task force named? What, specifically, is their charge from the Mayor? Who are the members, and what are their positions? How often have they met? What have they actually done? Please provide me with copies of the minutes of all the meetings which have been held.

   In a meeting with the Chairman of the Task Force, Alan Schuman, it was decided to delay start up of the Task Force. The make-up of the Task Force and its mission is included in Commissioner Rowe's response to your questions.

8. On page 6, you say that the Receiving Home Program for instruction is in compliance with federal standards. Are the instruction programs for detained and committed at the Receiving Home and Oak Hill different? If yes, where do you find in the federal law and regulations that requirements for the instructional program for detained students are different than for committed?

   The Receiving Home is essentially in compliance with P.L. 94-142. We are developing a program similar to the Receiving Home program for detained youth at Oak Hill. We are also in the process of upgrading our programs for committed. The Federal law is not clear on detained youth. We are evaluating such youth and referring them to D.C.P.S. for eligibility determination.

9. On page 6, you state that Oak Hill will have an eligibility committee and a team to develop IEPs for committed delinquents. What disciplines and individuals will comprise this committee? What criteria and standards for determining eligibility and writing IEPs will be used?

   The composition and duties of the proposed eligibility team are detailed in the attached document (Attachment 3). The criteria and standards for determining eligibility and writing IEPs will be adopted from those in use by D.C. Public Schools.,

10. Developing IEPs is only the first step. How will you provide the needed services?

    Our plans for developing a complete system of services is included in our Corrective Action Plan for Oak Hill.

D.C.-44
May 1967

ATTACHMENT 1

Memorandum ○ Government of the District of Columbia

Department, Human Services
Agency, Office: CSS,YSA, ICSD

TO: Institutional Administrators
Oak Hill and Cedar Knoll

FROM: J. L. Wyatt, Chief J L Wyatt
Instit. Care Services Division

Date: March 11, 1980

SUBJECT: Test Battery and Diagnostic Procedures

Attached is a memorandum dated 3/10/80 from Dr. Paul Silverman to me. Read it carefully and assure that your subordinate managers and supervisors read it.

I am directing Dr. Paul Silverman to move forward with utmost haste to implement the test battery and his recommendations for the diagnostic/orientation procedures at Oak Hill and Cedar Knoll. Dr. Silverman cannot and is not expected to accomplish this task unilaterally. I expect you and your subordinates to work cooperatively with Dr. Silverman to assure that these plans and recommendations are initiated. Institutional Administrators at Oak Hill and Cedar Knoll will share responsibility for these tasks with Dr. Silverman.

Remember, the charge to implement these changes in no way alters Institutional Care Services Division policies and procedures. For example, while the planned testing will take at least a week, I will continue to expect each resident to begin participating in planned programs on the second week day following admission.

If you have any questions or concerns about these directions, contact me at once.

Attachment: A/B
JLW/pcy
Distribution:
P. Silverman, R. Myers, M. Van Dyke, J. Scott, E. Mahlin,
A. Underdown, C. Harden, W. Young, P. Goode, R. Diener,
L. Scheinker, W. Sherard, S. Thomas, L. Manning, F. Bailey,
J. Blackburn, E. Gaskins, N. McAllister, A. Rowe, J. Bellamy,
S. Harrell, H. Henderson

MAR 10 Recd

[illegible]

Memorandum ○ Government of the District of Columbia

Department, DHR
Agency, Office: YSA, ICSD

TO: J. L. Wyatt
Chief, ICSD

FROM: Paul Silverman, Ph. D. PS
Supervisory Clinical Psychologist

Date: March 10, 1980

SUBJECT: Recommended Test Battery and Diagnostic Procedures

I. Test Battery

To strengthen the diagnostic - orientation process, I am recommending that the following tests be routinely administered within one week of all new admissions:

A) Wide Range Achievement Test - This group test yields grade equivalency scores in spelling, arithmetic, and reading. It requires about 30 minutes to administer. The WRAT should continue to be used as a basis for determining Title I eligibility and initial school placement.

B) The Prescriptive Mathematics and Prescriptive Reading Tests - These tests may be administered in groups and require about 45 minutes each of administration time on the average. They are extremely useful in diagnosing specific math or reading problems and in setting educational objectives. The PMT and PRT have found wide use and acceptance in the D.C. Public Schools.

C) Revised Beta - The Beta is a non-verbal, paper-and-pencil test of intelligence. Each part is timed and a total of about 30 minutes is required to complete the administration. The test will be useful as a means of screening for possible mental retardation. A similar test, the Cattell Culture Fair, may be substituted for residents under 16 years of age.

D) Wepman Test of Auditory Discrimination - This must be administered individually but requires only about 5 minutes to do so. The test consists of 40 pairs of stimulus words, some of which are identical, but others sound alike such as "rug - dug." The subject must indicate whether the pair is alike or different. The test is useful in screening persons who may be speech and/or learning impaired.

E) Benton Visual Retention Test - In this test, persons are presented with designs and then must draw them from memory. Psychologists have found this technique to be sensitive to brain damage and specific learning disability. A manual is provided to objectify scoring. Although administered individually, no more than five minutes is ordinarily required.

F) Jesness Inventory - This paper-and-pencil personality test was standardized on a delinquent population and is usually completed within 45 minutes. In addition to a broad range of personality traits measured by the test, the social maladjustment scale may be used to screen persons who may be handicapped by virtue of severe emotional disorder.

The battery, as a whole, should provide substantive information in helping staff to plan educational, psychological, and social goals for residents. In combination with other data, the test data are also useful in assessing handicapping conditions, as defined gy P.L. 94-142, and in planning special education programs and I.E.P.'s.

Portions of the test battery may be implemented immediately. The remainder may be initiated when an appropriate test order has been placed and received. Full implementation is also curtailed by the absence of Ms. Juliette Davis who is expected to return from maternity leave in April.

II. Diagnostic Procedures

A) Social services and medical screening should be completed within 24 hours of admission. Routine testing should be administered and scored within one week of admission. Hopefully, procedures will be worked out to ensure that court files and public school records are transmitted within 7 to 10 days. A psychological interview should also be conducted within 7 - 10 days. Within the second week of admission, the diagnostic - orientation chairperson (Ph. D. psychologist) should consult with the appropriate education specialist and screening social worker to determine if sufficient information is available so that a review meeting may be held in the near future. In such cases, a meeting of the complete diagnostic - orientation committee may be scheduled within the third or fourth week of commitment.

In some cases, however, available material may not be adequate to schedule a review. Examples of the latter include: (1) the court or school records have not been received, (2) individual psychological testing or educational assessment may be deemed necessary, (3) a psychiatric evaluation may be called for, (4) the youth may be suspected of a handicapping condition as defined by P.L. 94-142, (5) referral to another agency is being explored and a decision or a report are pending. In such cases, intensive effort should be exerted to supply the supplementary information so that the diagnostic review can be scheduled in the fifth and no later than the sixth week after admission.

B) In cases involving a suspected handicap, the diagnostic - orientation chairperson should assemble all routine and supplementary diagnostic data no later than the fourth week following admission. Based upon medical, psychiatric, psychological, educational, or other pertinent reports and recommendations, the chairperson should consult with relevant staff and render a judgment as to whether the youth meets the criteria for a handicap. Ultimate judgment and responsibility, affirmatively or negatively, should rest with institutional administration. Where the decision is affirmative, steps should be taken immediately to prepare the individualized education program (I.E.P.) concomitantly with the diagnostic review meeting.

III. General Recommendations

A) The diagnostic review should be the formal institutional arena in which, orally and in writing, the specialized needs of the child are identified along with treatment goals and a program plan. Contrary to a rational sequence, it is sometimes the case that program plans are firmly entrenched at the time a review is scheduled. Rather, programming should be conceptualized as tentative until adequate data are available on which to base program decisions.

B) The MDT or Treatment Team should monitor the implementation of the diagnostic plan and make program adjustments only when indicated. This recommendation is the obverse of the preceding one. If programming is sometimes in place prior to the diagnostic review, on the other hand, diagnostic summaries are rarely consulted as a treatment plan following the review. Institutional progress should be measured as a continuous process, beginning with a plan and ending with desired results. Heretofore, institutional meetings tend to be held in isolation from each other with little sense of continuity or sequence.

C) The diagnostic review should have widespread staff support and participation. It is frequently the case that only 3 or 4 persons participate in the diagnostic review. A broader perspective on each resident is provided with input from a wide array of disciplines such as recreation, vocational rehabilitation, chaplaincy service, and cottage life. A medical report should be furnished. Broader participation also encourages a stronger commitment to the findings and recommendations of the review.

D) The diagnostic summary should include the rationale for which program recommendations are made. A simple statement such as "place in group counseling" does not convey the purpose for which counseling is recommended. A statement of rationale is more likely to engender support of the recommendation and follow-up by appropriate staff.

E) The diagnostic summary should specify the goals of institutionalization. The first step in achieving an objective is to specify that objective. The identification of goals, be they educational, vocational, behavioral, interpersonal, etc., offers direction and provides a mark for the resident and staff to shoot for. Identified goals also offer a standard against which institutional progress can be measured.

F) The diagnostic summary should include goals identified by the resident. As its name implies, the diagnostic - orientation phase should involve learning about the resident on the one hand (diagnosis) and instructing the resident with respect to institutional procedures and opportunities (orientation). Just as there is a greater probability that staff will achieve a goal when they participate in a decision, so it applies to the youth. Given an understanding of what goals might be sought, the summary should contain a statement of the resident's own objectives. If a resident is unable or unwilling to identify any goals, the summary should include a report so stating. In such cases, one of the goals of staff should be to assist the resident to generate his or her own objectives.

G) Recommendations should be more individualized and less institutionalized. Recommendations in the form of "place in Jefferson Cottage" are impersonal and centered more on the institutional structure than the individual's needs. Although cottage arrangements should be among the deliberations in the review, it might be more informative and appropriate to say, "this resident wants help in establishing some vocational objectives, however his aggressive behavior and severe deficits in reading and mathematics restrict his vocational choices." An alternative to the frequent complaints about limited program resources is to reinforce the idea that the value of institutionalization is determined primarily by the relationships established between staff and residents.

At this point in time, I feel familiar enough with the issues addressed above to present the recommendations contained here. There are as yet, however, a number of unresolved diagnostic issues. One of the foremost questions bears on the extent to which these diagnostic methods and procedures can and should apply to the detained population. Additional discussion will be needed to resolve this and other questions. Meanwhile, I will await your comments and questions concerning the recommendations herein.

cc: Mr. Van Dyke

D.C.-44
May 1967

Memorandum ● Government of the District of Columbia

Department, DHS
Agency, Office: YSA, ICSD

TO: Institutional Administrators,
Cedar Knoll and Oak Hill

FROM: Paul L. Silverman, Ph. D. PLS
Supervisory Clinical Psychologist

Date: March 27, 1980

SUBJECT: Facilitating the Diagnostic-Orientation Process: Staff Assignments

In order to assure a smoothly operating diagnostic - orientation process, a variety of staff functions must be executed. This memorandum is intended to identify some of the basic functions if this process is to succeed as planned. Your support in assigning and monitoring these tasks is necessary and will be appreciated. I stand ready to discuss any problems that may arise or to modify recommended procedures if such is indicated.

Psychology

1. Coordinate and chair the entire diagnostic-orientation process.
2. Conduct a routine psychological interview on all new admissions within 7 days and provide a written report of the findings.
3. Assist in the interpretation of any test findings.
4. Provide individual psychological testing when necessary.
5. Supervise team decisions with regard to scheduling review meetings, identifying handicapping conditions per P.L. 94-142, establishing program goals, etc.
6. Refer to appropriate resources for additional diagnostic data when necessary.
7. Chair the review meeting and distribute an integrated summary of the meeting within 7 days of the review.

Social Service

1. Notify diagnostic chairperson, medical department, Title I office, and educational assessment team representative of all new admissions within 24 hours (or next work day following a weekend or holiday).

2. Conduct social service screening within 24 hours (including determination of date-of-birth and last public school attended).

3. Foward screening report within 3 days.

4. Notify appropriate staff concerning any court stipulation or order.

5. Expedite the transmission of and review the complete court record.

6. Consult with the diagnostic chairperson regarding the appropriate time frame in which to schedule the review.

7. Plan individualized social service program and present that program at the review meeting.

Education

1. Administer, score, and assist in interpretation of the testing battery.

2. Expedite the transmission of and review the public school record (assisted by the Title I office).

3. Provide supplementary, individual educational assessment when necessary.

4. Consult with the diagnostic chairperson regarding the appropriate time frame in which to schedule the review.

5. Assume primary responsibility in developing and implementing any Individualized Education Programs (IEP's) that may be necessary.

6. Plan educational objectives and present those objectives at the review meeting.

Medical - Nursing

1: Conduct medical screening within 24 hours of admission (or next work day following a weekend or holiday).

2. Submitt a written report to the diagnostic chairperson within 7 days (per agreement with Forest Haven Medical Department).

3. Provide psychiatric evaluation when necessary.

4. Provide follow-up medical care when indicated.

Cottage Life

1. Record observations concerning peer relationships, attitudes toward authority, self-concept, special needs, etc.

2. Orient each resident with respect to institutional rules as well as program opportunities; assist each resident to define goals of institutionalization.

3. Present observations and assist in program planning at the review meeting.

Recreation

1. Record observations concerning physical capabilities, recreational interests, etc.

2. Present observations and assist in program planning at the review meeting

It is also anticipated that other services such as chaplaincy or a representative from the Vocational Rehabilitation Administration can contribute observations and assist in defining program objectives.

cc: Mr. Wyatt

ATTACHMENT 2

D.C.-44
May 1967

Memorandum • Government of the District of Columbia

TO: School Principals
IEP Team Leaders

Department, HUMAN SERVICES
Agency, Office: CSS/YSA/ICSD

FROM: Paul L. Silverman, Ph.D. PLS
Chief Psychologist, ICSD

Date: March 25, 1982

SUBJECT: Monitoring of Public Law 94-142

As you know, Ms. Patricia Edley has been given the assignment of monitoring compliance with Public Law 94-142 in behalf of the Office of the Chief, ICSD. The full scope of her duties and authority were issued in an earlier memorandum. One of her duties included the preparation of monthly monitoring reports, the first of which was submitted on March 24, 1982. Ms. Edley's report is very thorough and speaks concisely and pointedly to the purpose of her assignment. Despite the many violations of Public Law 94-142 cited in the report, Ms. Edley is to be commended for conducting a series of sensitive tasks fully and conscientiously.

In that a report of this type is a new development at ICSD, I am distributing the report in its entirety to you as a matter of information and courtesy. I earnestly recommend that you study the report thoroughly and take appropriate corrective action. Although a host of violations are cited all of which deserve and require attention, I am calling special attention to the most serious problem:

In far too many cases, the Individualized Education Programs are not being completed in a thorough and timely manner. This means 30 days from the date of referral.

It is my hope that this monitoring report will serve its intended purpose, which is to gain compliance with the law by alerting staff to areas of non-compliance. I hope further that corrective action can be taken by merely informing staff of procedural errors, as I am doing now. If such gross procedural violation continues to be documented in the future monitoring reports, however, I feel compelled to recommend to the Chief, ICSD, that appropriate disciplinary action will be taken.

PLS/bcp

Attachments

Copy to:
Mr. Campbell
Mr. Ryers
Mr. Wyatt
Ms. Edley

D.C.-44
May 1967

Memorandum • **Government of the District of Columbia**

Department, HUMAN SERVICES
Agency, Office: CSS/YSA/ICSD/CK

TO: Paul Silverman, Ph.D.
Chief Psychologist, ICSD

FROM: Patricia F. Edley
Education Specialist, ICSD

Date: March 24, 1982

SUBJECT: Monthly Report

This month's report necessarily has to deal more with old business rather than new. What I have been attempting to do over these past few weeks is to ascertain as nearly as possible the status of the IEP programs at both Cedar Knoll and Oak Hill schools as well as to write policy and procedure as assigned by Dr. Silverman and which relates to the implementation of Public Law 94-142 at the Institutional Care Services Division.

During the period beginning 07/01/81, and ending 12/31/81, there were twenty-seven students referred for IEPs at the Cedar Knoll School. As of 03/22/82, I was able to ascertain the following with regard to these 27 student referrals:

IEP MEETING HELD ON:

Maurice Bibbs
Robert Miller
Lawrence Woodley
Theodore Riley
William A. Lester
Clarence Paige
David Bryant (DCPS 01/11/80)
Tommy Banks
Philip Montgomery
Charles Cook
James Banks

UPDATED AND REVISED IEPs

John Henry Miles
William Lee Wilson
Antonio Beverly
Marcellus Ashley
Steven Evans
Mark Flowers
William Nick
Norman Hodge
Tracey Baldwin
Derrick Paige
Charles Pitts
Leroy Forrester

MEETING NOT HELD:
Gerald Thomas (Transferred to Oak Hill) (AWOL)
Matthew Baisey AWOL
Robert Taylor - (Transferred to Oak Hill)
Linda Wicker (Released to Job Corps)

Monthly Report

03/24/82
-2-

LONG-TERM GOALS COMPLETED	SHORT-TERM GOALS COMPLETED	WITH TYPIST TO BE TYPED	DATE OF REFERRAL
Maurice A. Bibbs (D.C. Program)	No	No	07/24/81
John Henry Miles (Extended Home Visit)	NO	NO	07/17/81
William Wilson (Transferred to Oak Hill)	NO	NO	08/05/81
Antonio Beverly (Released)	NO	NO	08/20/81
Robert Miller	YES	NO	08/24/81
Lawrence Woodley	YES	NO	09/04/81
Theodore Riley	YES	NO	08/27/81
William Lester	YES	NO	09/11/81
Marcellus Ashley (Released)	YES	NO	09/15/81
Steven Evans (Acton School)	YES	NO	09/24/81
Clarence T. Paige	YES	NO	11/03/81
Mark Flowers	YES	YES	10/19/81
William Hicks (Released)	NO	NO	11/12/81
Norman Hodge	YES	NO	11/16/81
David Bryant	NO	NO	09/29/81
Tracey Baldwin	NO	NO	11/25/81
Tommy Banks	YES	NO	11/25/81
Derrick Paige	YES	YES	12/01/81
Charles Pitts	YES	YES	12/11/81
Philip Montgomery	YES	YES	12/22/81
Carlos Cook	YES	YES	01/04/82
Leroy Forrester	YES	YES	12/22/81
James Banks	YES	YES	01/08/82

IEPs COMPLETED AND DISTRIBUTED

Robert Miller
Lawrence Woodley
Theodore Riley
William Lester
Marcellus Ashley
Norman Hodge
Tommy Banks
Clarence Paige

TEACHER WORKING ON SHORT TERM OBJECTIVES:

Tracey Baldwin (Ms. Scales)

IEPs IN OFFICE - THE ONLY IEPs IN OFFICE FROM BEGINNING TO PRESENT ARE:

Chester Abney
Norman Hodge
Michael Johnson
Fernando Martinez

Mark HArris
Thomas Murphy
Linardo Lawton
Derrick Paige

There were entry sheets for each of the above. A check with Ms. Pelletier revealed that she had received the following IEPs from the school with a request to xerox ten copies. (Last checked on 03/23/82)

Tommy Banks
Lawrence Woodley
Norman Hodge
Linardo Lawton
Mark Harris

Marcellus Ashley (Released)
William Lester
Michael Johnson
Thomas McCloud
Thomas Murphy

Problems:

Consistently, teachers have failed to sign off on outdated short term objectives and have failed to add new short term objectives. There were no projected dates given for short term objectives except for one on Mark Harris' IEP. None were given on Fernando Martinez. Interim or Annual Review are past due to Mark Harris, Derrick Harris, Thomas Murphy, Michael Johnson, and Linardo Lawton. I updated Chester Abeny's IEP on 02/12/82, and sent it to the school for teachers to update short term objectives. I did not find any updated short term objective in his folder.

New Business:

The IEP meeting on Robert Griner which was chaired by Mr. Blackburn left much to be desired. A check with him as late as 03/22/82 revealed no further progress. He stated that he was still trying to gather data to complete it. No IEP forms were used during the IEP meeting; therefore, no one in attendance has signed any document. Mr. Blackburn stated that he had scheduled Edwin Knight for 03/18/82, but that no one showed up, including himself. However, he said that the mother has now called and agreed to meet on 03/25/82. Thirty days have passed already and frankly, there is little to show in the way of an IEP. This situation is beyond my control.

OAK HILL YOUTH CENTER

As of 03/22/82, I was able to ascertain the following with regard to the status of IEPs at Oak Hill:

1. There were no IEPs in the folders in the office of the following students: Freddie Robinson, Ibn Mithcell, Kenneth Smith, Ricardo Wages, and Wade Wofford.

2. There was no folder and no IEP for Darryl Covington.

3. On Brian Gross, there was improper sequencing of objectives, improper projected dates (04/81 - 04/82), two objectives were not signed off on by teacher, nor new objectives added, and interim/annual review overdue.

4. Kenneth Gaskins - Some dates given to begin short term objectives were not specific enough. Short term objectives were seemingly written for a period of a whole year, but it is difficult to determine.

5. Daniel Roy - Three objectives need to be signed off on by teacher and new one added.

6. Kenneth Gibbs - Old IEP short term objective improperly removed from initial IEP and the only ones in the IEP are the inserted new ones. The effect is that the new short term objectives seem out of place without the old ones preceding them.

7. Marvin Ratiff - One objective needs to be signed off on and a new one added.

8. Rudolph Preston - There seems to be no legitimate evidence of an update of plan presently given for March 81 - March 82. It seems as if someone changed all 1981 dates to 1982. Projected dates given to start are April and July which appear incongruous.

9. Joseph Jackson - One and one half pages of projected dates for initiation of services and anticipated duration are not listed. A 1980 date is given for some updates, but no ending date. There are no teacher sign offs on outdated objectives.

10. Marc Coleman - An incomplete updated IEP was found in his folder.

11. Wade Wofford - Updated IEP not indicated as updated IEP. Most objectives have not been signed off on and no new ones added.

12. Apparently, there was a review to update Gerald Thomas' IEP. The original IEP was done at Cedar Knoll chaired by me. Somehow, the participants' list has my name leading the list with other persons from Oak Hill following. Someone looking at this would assume that I chaired this meeting, when I wasn't even there.

Classroom Status:

Ms. Phillips has IEP in Classroom:

Rudolph Preston
Anthony Whitaker

Miss Evans

Daniel Manley
Michael Fuller

Ms. Henderson

Darrell Gray
Daniel Roy
Kenneth Gaskins

Ms. Traylor:
Marc Coleman
Kennedy Schuler

Mr. Davis:
Wade Wofford - Yes
Gerald Thomas - Yes

Ms. Phillips has no IEP in classroom:

Darryl Covington
Freddie Robinson

Ms. Evans

Thomas Robinson - Interim was held -
new short term objectives must be completed

Ms. Pierce:

David Taitono - Yes
Kenneth Smith - Yes
Joseph Evans - being typed

Ms. Jones:
Darren Green - Yes
Marvin Ratiff - Yes

Mr. Davis: -Unavailable-no one could give
Brian Gross
Ibn Mitchell

In this part of my report, I will attempt to address the findings of the Comprehensive Monitoring Report 01/21/82, and what the ICSD has done in the way of compliance. I've attempted to point out some areas of seeming non-compliance. I will address each item in sequence as reported on by the Monitoring Team. I will also point out several areas of seeming non-compliance by responsible individuals as stipulated in ICSD Regulation #511.

1. Variable

121a.301-303 - This was addressed in a memorandum from J. L. Wyatt, Chief ICSD on 02/08/82.

2. 121a. 342 - I have reviewed all IEP student records at both Oak Hill and Cedar Knoll. As of 03/22/82, I would say that about (0.5%) of the students at Oak Hill do not have IEPs in their folders. At Cedar Knoll, I would say that it remains roughly about 36% as reported. The reason for this seemingly is that ten IEPs were removed from the folders and given to Ms. B. pelletier to run off more copies. However, I am aware of the fact that Ms. Pelletier submitted no less than four IEPs originally to the Acting Principal, Mr. Gaskins. Also, two IEPs which were submitted to Mr. Gaskins for him to assign to teachers for completion of short term objectives were reportedly lost and just found sometime last week. They were submitted to Mr. Gaskins on 12/08/81 and 12/22/81, respectively.

121a. 344 - In regard to Cedar Knoll, the 12% lack of proper participants in meetings can only relate to those few occasions where parents did consent to participate but did not show up nor call for a request that the meeting be held at another time and/or Revised and updated IEPs which did not call for a full fledged meeting. I really cannot answer in this case for Oak Hill. I do know that Oak Hill is presently making the effort to comply.

121a. 345 - This item was addressed in item 121a. 344.

In regard to letter to parents, new ones have been developed that make provision for notification of who will be in attendance at the IEP meeting.

Item of Non-compliance: - Short term objectives, criteria and evaluation procedure, special education and related services. All of these deficiencies have been brought to the attention of staff and principals. Ms. W. Greene developed an excellent checklist for evaluating IEPs. At the teachers' request. she held a meeting with them on 03/19/82 to discuss her report and the checklist.

Although there is in effect an ICSD Policy that IEPs are in effect for each student within a thirty day period from the time the student is identified as needing services, compliance has not yet happened at Cedar Knoll. Since the Monitoring Report. there have been a number of changes made. One was to appoint a new Team Leader. The new Team Leader received two referrals dated 02/25/82 and 02/18/82. Neither has yet gotten off the ground in the way of development. The main reason for this seemingly is that the new Team Leader has not learned what he should learn with regard to development of IEPs.

3. 121a. 560-575
121a. 562 - An Access rights letter for parents has been developed.
121a. 563 - Both Oak Hill and Cedar Knoll have attached Entry sheets to record access to student folders by proper staff and others who have right of access to records.
121a. 564 - Efforts to comply were initiated. However, there is a need for both principals to have their secretaries or any other appropriate person to get their student files in better order.

The "Parents Rights" data has been reviewed and using the DCPS Parents' Rights as my source of reference, I developed a document of Parents Rights for ICSD.

With regard to ICSD Regulation #511. I feel that I am pretty well acquainted with it. I feel that the principals and Team Leaders should make an effort to become familiar with this document, for it contains some references to their roles in the scheme of things. There is little or no evidence that the principals are taking any part in the compliance of this Regulation. At some point, I asked Mr. Gaskins whether or not he had read any of the IEPs. He replied that he had not. Yet on page 9 of Regulation #511 (at the bottom of the page), it states that the team leader and the principal will have joint responsibility for monitoring the IEP on a continuing basis. From all evidence, this has yet to happen. The same holds true for implementing the IEP. There is a statement next to the bottom of the page on page 9 which addresses responsibility of implementation.

Also, my review of students' IEPs at both institutions shows little, and in most cases, no evidence of involvement of Title I or Chapter 1 in the development of IEPs for identified students.

Even though I was singled out to carry the burden of the cross - the compliance of ICSD with Public Law 94-142, neither I nor any other person will ever succeed unless there is equal pressure applied to all others who have some responsibility for seeing to it that the institution is in compliance.

PFE/bcp

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

MONITORING REPORT ON COMPLIANCE WITH PUBLIC LAW 94-142

DATE: MAY 05, 1982

PREPARED BY: PATRICIA FREEMAN EDLEY

IENT'S NAME	IDENTIFIED HANDICAP	DATE OF REFERRAL	INSTITUTION	INITIAL LTR TO PARENTS (DATE)	PHONE CALL(S) MADE - DATE	NOTIFICATION OF RIGHTS (DATES)	IEP HELD (DATE)	30 DAYS FROM REFERRAL	IEP DISTRIBUTED (DATE)
AMEY, CHESTER	LD	05/12/81	CK	N.A.	N.A.	N.A.	UPDTD & REV. 06/04/81	+	02/12/82
A' ON, ROBERT *	LD	05/01/81	CK	---	----	---	-----	-	---
B/ S, TOMMY	LD	12/02/81	CK	01/07/82	01/07/82	N.A.	01/11/82	-	03/10/82
IBBS, MAURICE *	EMR	07/28/81	CK	09/08/81	09/08/81	N.A.	09/11/81	-	---
RYANT, DAVID	DEAF MUTE	11/17/81	CK	N.A.	N.A.	N.A.	01/11/80	N.A.	---
LOWERS, MARK	LD	10/21/81	CK	N.A.	N.A.	N.A.	UPDTD & REV. 11/30/81	+	---
FORRESTER, LEROY	LD	12/22/81	CK	N.A.	N.A.	N.A.	UPDTD & REV. 02/02/82	-	---
RIMER, ROBERT	ED	02/26/82	CK	03/01/82	03/03-5-8/82	N.A.	03/17/82	-	---
HARRIS, DERRICK	LD	02/23/81	CK	02/23/81	02/23/81	N.A.	03/09/81	+	04/15/82
HARRIS, MARK	EMR	01/[illegible]2/81	CK	03/04/81	03/02/81	N.A.	03/13/81	-	03/27/81
HODGE, NORMAN	EMR	11/19/81	CK	N.A.	N.A.	N.A.	UPDTD & REV. 12/19/81	+	03/04/82
OHNSON, MICHAEL	LD	02/13/81	CK	03/16/81	03/16/81 (5)	N.A.	03/23/81	-	---
KNIGHT, EDWIN	LD	02/19/82	CK	03/01/82	03/11/82	N.A.	-----	-	-

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

MONITORING REPORT ON COMPLIANCE WITH PUBLIC LAW 94-142 DATE: MAY 05/ 1982

PREPARED BY: PATRICIA FREEMAN EDLEY

STUDENT'S NAME	IDENTIFIED HANDICAP	DATE OF REFERRAL	INSTITUTION	INITIAL LTR TO PARENTS (DATE)	PHONE CALL(S) MADE - DATE	NOTIFICATION OF RIGHTS (DATES)	IEP HELD (DATE)	30 DAYS FROM REFERRAL	IEP DISTRIBUTED (DATE)
MCLOUD, THOMAS	EMR	01/28/81	CK	03/02/81	01/30/81	N.A.	02/19/81	+	03/03/81
EKINS, ERIC	ED	04/15/81	CK	04/29/81	04/24/81	N.A.	05/11/81	+	06/18/81
RPHY, THOMAS	EMR	03/20/81	CK	03/24/81	03/23/81 03/24/81	N.A.	04/06/81	+	06/16/81
GE, DERRICK	LD	11/24/81	CK	N.A.	N.A.	N.A.	UPDATED & REV 02/02/82	-	02/22/82
AIGE, CLARENCE	LD	11/04/81	CK	11/31/81	11/30/81	N.A.	12/07/81	-	03/10/81
PITTS, CHARLES	LD	12/14/81	CK	N.A.	N.A.	N.A.	UPDTD & REV. 02/02/82	-	04/02/82
OBINSON, TIMOTHY	LD	04/16/82	CK	04/19/82	---	---	---	-	---
WILSON, ANDREW	LD	04/08/82	CK	04/09/82	---	---	---	-	---
COOK, CARLOS	EMR	01/04/82	CK	01/07-28/82	01/06/82	N.A.	02/04/82	+	---

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

MAY 05, 1982

COMPONENTS OF COMPLETED IEPS

X = PRESENTED ADEQUATELY
- = NOT PRESENT OR ADEQUATE

UDENT'S NAME	INSTITUTION	PRESENT LEVELS OF EDUCATIONAL PERFORMANCE	STATEMENT OF ANNUAL GOALS	SHORT-TERM INSTRUCTIONAL GOALS	EDUCATIONAL AND RELATED SERVICES	PROJ. DATES OF INITIATION AND DURATION	NECESSARY SIGNATURES	IEP FILE AVAILABLE	ACCESS LOG IN RECORD
CHESTER	CK	X	X	X	-	X	X	X	X
SON, ROBERT	CK	-	-	-	-	-	-	-	-
NKS, TOMMY	CK	X	X	X	X	X	X	X	X
BIBBS, MAURICE *	CK	X	X	-	-	-	X	-	X
BRYANT, DAVID	CK	-	-	-	-	-	-	-	-
FLOWERS, MARK	CK	X	X	-	-	-	X	-	X
FURRESTER, LEROY	CK	X	X	X	X	X	X	-	X
GRINER, ROBERT	CK	-	-	-	-	-	-	-	-
HARRIS, DERRICK	CK	X	X	X	X	X	X	X	X
HARRIS, MARK	CK	X	X	X	X	-	X	X	X
HODGE, NORMAN	CK	X	X	X	-	X	X	X	X
JOHNSON, MICHAEL	CK	X	X	X	X	X	X	X	X
KNIGHT, EDWIN	CK	-	-	-	-	-	-	-	-
McCLOUD, THOMAS	CK	X	X	X	X	X	X	X	X
EEKINS, ERIC	CK	X	X	X	X	X	X	X	-
URPHY, THOMAS	CK	X	X	X	X	X	X	X	X

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

DATE: MAY 05, 198[illegible]

COMPONENTS OF COMPLETED IEPS

X = PRESENTED ADEQUATELY

- = NOT PRESENT OR ADEQUATE

IT'S NAME	INSTITUTION	PRESENT LEVELS OF EDUCATIONAL PERFORMANCE	STATEMENT OF ANNUAL GOALS	SHORT-TERM INSTRUCTIONAL GOALS	EDUCATIONAL AND RELATED SERVICES	PROJ. DATES OF INITIATION AND DURATION	NECESSARY SIGNATURES	IEP FILE AVAILABLE	ACCESS LOG IN RECORD
[illegible], CLARENCE	CK	X	X	X	-	-	X	X	X
ITS, CHARLES	CK	X	X	X	X	X	X.	-	X
OBINSON, TIMOTHY	CK	-	-	-	-	-	-	-	-
W[illegible]SON, ANDREW	CK	-	-	-	-	-	-	-	-
NKS, JAMES	CK	-	-	-	-	-	-	-	X
OK, CARLOS	CK	X	X	X	X	X	X	-	X

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

DATE: MAY 05, 1982

THE FOLLOWING IEPs WERE FOUND TO HAVE NO PROGRESS NOTES OR INDICATION OF OBJECTIVES ACHIEVED DURING FIRST SIX MONTHS FOLLOWING THE IEP MEETING:

STUDENT'S NAME	INSTITUTION	DATE OF IEP
ABNEY, CHESTER	CK	06/11/81
HARRIS, DERRICK	CK	03/09/81
HARRIS, MARK	CK	30/13/81
HODGE, NORMAN	CK	12/22/81
JOHNSON, MICHAEL	CK	03/23/81
McCLOUD, THOMAS	CK	02/19/81
MEEKINS, ERIC	CK	05/11/81
MURPHY, THOMAS	CK	04/06/81

THE FOLLOWING IEPs HAVE NOT BEEN UPDATED AS REQUIRED BY PUBLIC LAW 94-142 (AFTER ONE YEAR):

STUDENT'S NAME	INSTITUTION	DATE OF IEP
HARRIS, DERRICK	CK	03/09/81
HARRIS, MARK	CK	03/13/81
JOHNSON, MICHAEL	CK	03/23/81
McCLOUD, THOMAS	CK	02/19/81
MURPHY, THOMAS	CK	04/06/81

COMMENTS OR RECOMMENDATIONS:

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

May 05, 1982

ADDITIONAL COMMENTS AND/OR RECOMMENDATIONS:

1. Robert Addison went AWOP soon after his referral, which accounts for his IEP not being done at the time of referral. He is back at Ceder Knoll.

2. Maurice Gibbs was in a D.C. Porgram. However, he has since returned to Ceder Knoll.

3. This Monitoring Report (05/05/82), shows that there has not been any change since the report of March 24, 1982.

4. I am still recommending that the principals at Ceder Knoll and Oak Hill establish a seperate file for IEP students from the reguler students.

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

MONITORING REPORT ON COMPLIANCE WITH PUBLIC LAW 94-142 DATE: MAY 05, 1982

PREPARED BY: PATRICIA FREEMAN EDLEY

UDENT'S NAME	IDENTIFIED HANDICAP	DATE OF REFERRAL	INSTITUTION	INITIAL LTR TO PARENTS (DATE)	PHONE CALL(S) MADE - DATE	NOTIFICATION OF RIGHTS (DATES)	IEP HELD (DATE)	30 DAYS FROM REFERRAL	IEP DISTRIBUTED (DATE)
LEMAN, MARC	LD	06/19/81	OH	08/15/81	NO RECORD	N.A.	10/22/81	-	NO RECORD
COVINGTON, DARRY	EMO DIST	NO RECORD	OH	12/14/81	NO RECORD	N.A.	12/17/81	NO REC.	NO RECORD
FULLER, MICHAEL	EMO DIST	11/30/81	OH	NO RECORD	NO RECORD	N.A.	02/19/82	-	NO RECORD
GASKINS, KENNETH	LD	03/31/81	OH	NO RECORD	NO RECORD	N.A.	05/28/81	-	NO RECORD
GRAY, DARRELL	EMR	04/01/81	OH	NO RECORD	04/09/81	N.A.	04/23/81	+	NO RECORD
GRINER, RHOSU	EMO DIST	03/18/82	OH	NO RECORD	NO RECORD	N.A.	04/06/82	+	NO RECORD
GLOVER, DARRYL	EMO DIST	03/13/82	OH	NO RECORD	03/31/82 04/01/82	N.A.	04/16/82	+	NO RECORD
GROSS, BRIAN	LD	04/02/81	OH	04/14/81	NO RECORD	N.A.	04/23/81	+	NO RECORD
MITCHELL, IAN	LD	11/02/81	OH	NO RECORD	NO RECORD	N.A.	02/19/82	-	NO RECORD
PRESTON, RUDOLPH	EMO DIST	03/05/81	OH	NO RECORD	NO RECORD	N.A.	03/19/81	NO RECORD	NO RECORD
RATIFF, MARVIN	EMR	05/11/81	OH	05/20/81	NO RECORD	N.A.	05/28/81	+	NO RECORD
ROBERTSON, THOM	EMO DIS	NO RECORD	OH	NO RECORD	NO RECORD	N.A.	03/18/82	NO RECORD	NO RECORD
ROBINSON, FREDER	EMO DIST	NO RECORD	OH	NO RECORD	NO RECORD	N.A.	NO RECORD	NO RECORD	NO RECORD

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

MONITORING REPORT ON COMPLIANCE WITH PUBLIC LAW 94-142

DATE: MAY 05, 1982

PREPARED BY: PATRICIA FREEMAN EDLEY

UDENT'S NAME	IDENTIFIED HANDICAP	DATE OF REFERRAL	INSTITUTION	INITIAL LTR TO PARENTS (DATE)	PHONE CALL(S) MADE - DATE	NOTIFICATION OF RIGHTS (DATES)	IEP HELD (DATE)	30 DAYS FROM REFERRAL	IEP DISTRIBUTED (DATE)
ROY, DANIEL	EMR	12/80	OH	NO RECORD	NO RECORD	N.A.	01/19/81	+	NO RECORD
SHULER, KENNEDY	LD	09/14/81	OH	NO RECORD	09/14-16/81	N.A.	09/24/81	+	NO RECORD
SMITH, KENNETH	EMO DIST	08/10/80	OH	NO RECORD	NO RECORD	N.A.	10/31/80	-	NO RECORD
TAITANO, DAVID	LD	05/13/81	OH	NO RECORD	NO RECORD	N.A.	02/15/82	-	NO RECORD
THOMAS, GERALD *	LD	08/10/81-ORIG NO REC ON	OH	NO RECORD	02/10/82	N.A.	REVISED 02/17/82	NO RECORD	NO RECORD
WAGES, RICARDO	EMR	01/27/82	OH	NO RECORD	NO RECORD	N.A.	02/25/82	+	NO RECORD
WHITAKER, ANTHONY	LD	03/04/81	OH	01/27/82	NO RECORD	N.A.	04/06/81 REV 02/03/82	+	NO RECORD
WOFFORD, WADE	EMO DIST	NO RECORD	OH	NO RECORD	NO RECORD	N.A.	REVISED 12/28/81	NO RECORD	NO RECORD
HAWKINS, ROBERT	LD	04/21/82	OH	04/30/82	NO RECORD	N.A.	NO RECORD	---	---

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

DATE: MAY 05, 1982

COMPONENTS OF COMPLETED IEPS

X = PRESENTED ADEQUATELY

- = NOT PRESENT OR ADEQUATE

'S NAME	INSTITUTION	PRESENT LEVELS OF EDUCATIONAL PERFORMANCE	STATEMENT OF ANNUAL GOALS	SHORT-TERM INSTRUCTIONAL GOALS	EDUCATIONAL AND RELATED SERVICES	PROJ. DATES OF INITIATION AND DURATION	NECESSARY SIGNATURES	IEP FILE AVAILABLE	ACCESS LOG IN RECORD
, MARC	OH	-	-	-	-	-	X	X	X
INGTON, DARRYL	OH	X	-	X	X	X	X	X	X
LER, MICHAEL	OH	-	X	X	X	X	X	X	X
GASKINS, KENNETH	OH	X	X	X	X	X	X	X	X
GRAY, DARRELL	OH	X	X	X	X	X	X	X	X
GRINER, NMOSU	OH	-	-	-	-	-	-	-	-
GLOVER, DARRYL	OH	X	X	X	X	X	X	X	X
GROSS, BRIAN	OH	-	-	-	-	X	X	X	X
ITCHELL, IAN	OH	X	-	X	X	X	X	X	X
PRESTON, RUDOLPH	OH	-	X	-	-	-	X	X	X
RATIFF, MARVIN	OH	X	-	-	-	X	X	X	X
ROBERTSON, THOM	OH	-	-	-	-	X	X	X	X
ROBINSON, FREDER	OH	-	-	-	-	-	-	-	X
ROY, DANIEL	OH	-	X	X	X	X	X	X	X
SHULER, KENNEDY	OH	X	-	X	X	X	X	X	X
TAITANO, DAVID	OH	X	X	X	X	X	X	X	X

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

DATE: MAY 05, 1982

COMPONENTS OF COMPLETED IEPS

X = PRESENTED ADEQUATELY

- = NOT PRESENT OR ADEQUATE

DENT'S NAME	INSTITUTION	PRESENT LEVELS OF EDUCATIONAL PERFORMANCE	STATEMENT OF ANNUAL GOALS	SHORT-TERM INSTRUCTIONAL GOALS	EDUCATIONAL AND RELATED SERVICES	PROJ. DATES OF INITIATION AND DURATION	NECESSARY SIGNATURES	IEP FILE AVAILABLE	ACCESS LOG IN RECORD
S, GERALD	OH	X	X	X	X	X	X	X	X
, RICARDO	OH	-	X	X	X	X	-	X	X
ITAKER, ANTHONY	OH	X	X	X	X	X	X	X	X
FFORD, WADE	OH	-	-	X	X	-	-	X	X
AWKINS, ROBERT	OH	-	-	-	-	-	-	-	-

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

DATE: MAY 05, 1982

THE FOLLOWING IEPs WERE FOUND TO HAVE NO PROGRESS NOTES OR INDICATION OF OBJECTIVES ACHIEVED DURING FIRST SIX MONTHS FOLLOWING THE IEP MEETING:

STUDENT'S NAME	INSTITUTION	DATE OF IEP
COLEMAN, MARC	OH	10/22/81
GASKINS, KENNETH	OH	05/20/81
GRAY, DARRELL	OH	04/23/81
PRESTON, RUDOLPH	OH	03/19/81
.OY, DANIEL	OH	01/19/81
SHULER, KENNEDY	OH	09/24/81
WHITAKER, ANTHONY	OH	04/06/81
GROSS, BRIAN	OH	04/23/81

THE FOLLOWING IEPs HAVE NOT BEEN UPDATED AS REQUIRED BY PUBLIC LAW 94-142 (AFTER ONE YEAR):

STUDENT'S NAME	INSTITUTION	DATE OF IEP
GRAY, DARRELL	OH	04/23/81
PRESTON, RUDOLPH	OH	03/19/81
WHITAKER, ANTHONY	OH	04/06/81
GROSS, BRIAN	OH	04/23/81

COMMENTS OR RECOMMENDATIONS:

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

DATE: MAY 0[illegible], 1982

THE FOLLOWING IEPS HAVE NOT BEEN UPDATED AS REQUIRED BY PUBLIC LAW 94-142 (AFTER ONE YEAR):

STUDENT'S NAME	INSTITUTION	DATE OF IEP
GRAY, DARRELL	OH	04/23/81
PRESTON, RUDOLPH	OH	03/19/81
WHITAKER, ANTHONY	OH	04/06/81
GROSS, BRIAN	OH	04/23/81

BEST COPY AVAILABLE

INSTITUTIONAL CARE SERVICES DIVISION
LAUREL, MARYLAND

May 05, 1982

ADDITIONAL COMMENTS AND/OR RECOMMENDATIONS:

1. Gerald Thomas (Oak Hill) went AWOP right after his referral. When he returned, he was placed at Oak Hill. This accounts for the time lag between his referral and when his IEP was completed.

2. This Monitoring Report (05/05/82), shows that there has not been any change since the report of March 24, 1982.

3. I am still recommending that the principals at Cedar Knoll and Oak Hill establish a separate file for IEP students from the regular students.

ATTACHMENT 3

Educational Support Systems Inc.
2021 P Street N.W.
Washington D.C. 20007

(202) [illegible]

Oak Hill Program Development: Part I
Eligibility Team
DRAFT I

Comprehensive programming for juveniles in correctional facilities includes services that will afford opportunities for improvement. Students entering an educational environment within a "locked facility" should be provided a broad educational program that is suited to individual needs and abilities. Appropriate educational programming should include, but not be limited to, developmental education, remedial education, special education, multi-cultural education, bilingual education, when the profile indicates, and tutorial services as needed. Students should receive academic credit for education that can be transferred to schools in the community thus ensuring a continuum of educational services.

During the initial screening, evaluation, and observation of young men committed to Oak Hill, professionals from different disciplines may note student deficits and may refer a student for a more in-depth screening of needs. When suspected deficits are identified as inhibiting a student from achieving to his potential in the learning environment, interdisciplinary professionals meet to review current diagnostic and informational materials including psychological, educational/vocational, and medical evaluations and a social history. Interdisciplinary professionals meeting to discuss student strengths and weaknesses and demonstrated needs in the learning environment form an Eligibility Team. The purpose of the Eligibility Team is to determine whether or not a student meets the criteria for ~~securing~~ receiving special education services as established by PL94-142 standards.

On the basis of information derived from the multi-faceted (eligibility) procedures, a student is determined either to exhibit one of several specific handicapping conditions or not to be handicapped. Placement in a special program is contingent on a determination that a handicapping condition exists. According to PL94-142, the term handicapped refers to:

> those children evaluated in accordance with sections 121a.530 - 121a.534 as being mentally retarded, hard, of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, or multi-handicapped, or as having specific learning disabilities, who because of these impairments need special education and related services. (p 42478)

The Eligibility Team functions to:

- ensure that due process procedures are followed and confidentiality of records is maintained.

- review the evaluation components and other information to determine if the student has a handicapping condition(s) which requires a special education program and related services, and the nature (category) of the handicapping condition(s); determine if assessment data indicates student impairment and extent impairment interferes with educational progress.*

- maintain a written record of essential deliberations which support the findings, signed by each committee member. If committee member does not agree with the findings, he/she must submit a separate written statement giving reasons for the dissenting opinion within 24 hours following the eligibility meeting.

- prepare a written summary of the committee's recommendations for the student's confidential file, including a statement of educational needs and suggestions for a special education program which is to be forwarded to the Individualized Education Program Committee (IEP) to considered in the development of the student's IEP.

(note:* A handicap exists only if the impairment results in the student being unable to profit from regular classroom instruction)

Public Law 94-142 clearly mandates a multi-disciplinary approach to eligibiltiy/placement decisions. In terms of federal law, the institution must "ensure that the eligibility/placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data and the placement options" (Public Law 94-142, section 121a.533[a]).

Eligibility Team core members include:

Social Worker
Description:

- develops, plans, interprets and/or coordinates social histories/information concerning students in an assigned school or program, making available this information to the principal or administrator of the school, other members of the multi-disciplinary team, classroom teacher, and parents.

- systematically functions as a member of a multi-disciplinary team whose responsibility is to provide psycho-social medicine and educational diagnostic services and implement an educational supportive services intervention program for the student population.

- collaborates with students, teachers, principal, family, other Special Education and Pupil personnel services staff and with community facilities (in medical, social, legal systems) in helping identify and assess problems of handicapped students and to search for resolution to the problems.
- provides abililty to chair on a multi-disciplinary team in their area of expertise when a student is noted as having suspected handicapping conditions.
- possesses professional knowledge, values, and skills in the performance of school social work services within the educational system related to special education processing in correctional facilities.

Psychologist/Psychiatrist
Description:

- develops, plans, interprets and/or coordinates psychological/psychiatric testing information concerning students in an assigned school or program, making available this information to the principal or adminstrator of the school, other members of the multi-disciplinary team, classroom teacher and parents.
- systematically functions as a member of a multi-disciplinary team whose responsibility is to provide psychological/psychiatric services and implement a supportive services intervention program for the student population.
- collaborates with students, teachers, principal, family, other Special Education and pupil personnel services staff and with community facilities (in medical, social, legal systems) in helping identify and assess problems of handicapped students and to search for resolution to the problems.
- provides ability to chair on a multi-disciplinary team in their area of expertise when a student is noted as having suspected handicapping conditions.

- possesses professional knowledge, values, and skills in the performance of psychological/psychiatric work services within the educational system related to special education processing in correctional facilities.

Educational Diagnostician
Description:

- develops, plans, interprets and/or coordinates educational information concerning students in an assigned school or program, making available this information to the principal administrator of the school, other members of the multi-disciplinary team, classroom teacher, and parents.

- systematically functions as a member of a multi-disciplinary team whose responsibility is to provide educational diagnostic services and implement an educational supportive services instruction program for the student population.

- collaborates with students, teachers, principal, family, other Special Education and pupil personnel services staff and with community facilities (in medical, social, legal systems) in helping identify and assess problems of handicapped students and to search for resolution to the problems.

- provides ability to chair on a multi-disciplinary team in their area of expertise when a student is noted as having suspected handicapping conditions.

- possesses professional knowledge, values, and skills in the performance of educational evaluations and support services within the educational system related to special education processing in correctional facilities.

Medical
Description:

- develops, plans, interprets and/or coordinates medical histories/information concerning students in an assigned school or program, making available this information to the principal or adminstrator of the school, other members of the multi-disciplinary team, classroom teacher, and parents.

- systematically functions as a member of a multi-disciplinary team whose responsibility is to provide psycho-social, medical and educational diagnostic services and implement an educational supportive services intervention program for the student population.

- collaborates with students, teachers, principal, family, other Special Education and pupil personnel services staff and with community facilities (in medical, social, legal systems) in helping identify and assess problems of handicapped students and to search for resolutions to the problems.

- provides ability to chair on a multi-disciplinary team in their area of expertise when a student is noted as having suspected handicapping conditions.

- possesses professional knowledge, values, and skills in the performance of medical evaluations and services within the educational system related to special education processing in correctional facilities.

Additional professionals who may sit on an Eligibility Team include teachers, vocational specialists, and consultants knowledgeable about the student and his needs.

Eligibility Team members review the following information necessary to determine a handicapping condition:

Educational: a written report evaluating a student's present abilities and achievement and identifying problem areas in learning. Evaluations include standardized test scores, previous and present classroom performance, and an observation of classroom behavior.

Classroom Observation: a written report of an observation of academic performance in a classroom by at least one member of the evaluation team other than the student's regular teacher for a student suspected of having a handicapping condition (expect speech impairment).

Developmental: written report of assessment functioning in the major areas of development such as cognition, motor, social/adaptive, perception and communication. This may be used in place of the educational evaluation in certain cases. (Prepared by a special education teacher.)

Psychological: a written report based on the use of a battery of appropriate instruments which shall include individual intelligence test(s) and psycho-educational tests. Also, when appropriate, a clinical/psychiatric evaluation shall be included.

Test battery will include projective testing for students suspected of having serious emotional problems. (Prepared by approval psychologist.)

Sociocultural: a written evaluation which includes a study of the student in the family setting and in the school and community. (Prepared by the visiting teacher or an institutional social worker.)

Medical

Medical: a written report indicating general medical history and any medical/health problems which may affect a student's ability to learn. (Prepared by a licensed physician.)

Speech/Audiology

Speech Only: when only a speech impairment and no other handicapping condition is suspected, the classroom teacher provides an educational report describing speech performance in academic areas; a speech pathologist provides a speech and language evaluation; and an audiometrist provides audiological screening (other assessments are not needed unless problem(s) persists unchanged beyond two years.) The audiologist interprets the significance of a student's hearing loss in relation to program planning.

NINETY-NINTH CONGRESS

RONALD V. DELLUMS, CALIF., CHAIRMAN

WALTER E. FAUNTROY,
DELEGATE, DISTRICT OF
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ROMANO L. MAZZOLI, KY
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STANFORD E. (STAN) PARRIS, VA.
THOMAS J. BLILEY, JR., VA.
MARJORIE S. HOLT, MD.

EDWARD C. SYLVESTER, JR., STAFF DIRECTOR
JOHN [illegible], MINORITY STAFF DIRECTOR

TELEPHONE 226-4457

U.S. House of Representatives
Committee on the District of Columbia
ESTABLISHED 27 JANUARY 1865
Room 1310, Longworth House Office Building
Washington, D.C. 20515

September 17, 1985

Mr. David Rivers
Director
D.C. Department of Human Services
801 N. Capitol Street, N.W.
Washington, D.C. 20002

Dear ~~Mr. Rivers:~~ Dave

Thank you for your testimony of September 10, 1985 concerning compliance with P.L. 94-142 as it relates to juvenile delinquents in the District of Columbia. Also, thank you for your cooperation in turning over various documents and contracts which had been requested earlier by GAO.

In reviewing those documents and contracts, however, it is apparent some items were not included, and they are as follows:

For Oak Hill	All monitoring reports from January 1982 to October 1983, April and July 1985
For Cedar Knoll	All monitoring reports from January 1982 to December 1983, and April and July 1985
For Receiving Home	Monitoring reports for all of 1982
Annual Reports	Oak Hill - 1980, 1981 and 1985 Cedar Knoll - 1980 to 1985 Receiving Home - 1980 to 1985 Youth Services Administration - 1981, 1982, 1983, 1985
Contracts	All contracts relating to services to learning or emotionally handicapped children or to special education or mental health counseling Note: Contracts between YSA and Educational Support Systems, Inc., were provided with some delay, and from early review it appears certain portions of these files are missing. A follow-up request concerning this particular contractor will be sent to you shortly.

In addition, certain information was requested orally during the course of questioning following testimony by the DHS panel. That information has not been provided, and it was, specifically:

1. The cost of the Paul de Mauro report completed in June 1985 and received by YSA on July 12, 1985
2. Copies of cottage and institution logs for Oak Hill and the Receiving Home for the time period of January 1, 1984 to the present date
3. Copies of DHS Office of Investigation reports for Oak Hill, Cedar Knoll and the Receiving Home for the time period of January 1, 1984 to the present date
4. Youth Services' budget for special education services -- diagnosis, teaching and counseling to include both YSA in-house services as well as those under contract -- for FY 85 and FY 86.

Also, as you may recall, two Members of the Subcommittee had to leave before the DHS panel testified, and therefore, many questions were not asked due to their absence and time constraints. Enclosed is a list of questions for the Director of the Department of Human Services, and by copy of this letter, I am sending to Commissioner Audrey Rowe a list of questions appropriate to her testimony.

I ask that all these materials be delivered to me within 10 business days from September 17, 1985. Thank you in advance for your cooperation in resolving this matter.

Sincerely yours,

STEWART B. McKINNEY
Ranking Minority Member

cc: Commissioner Audrey Rowe

NINETY-NINTH CONGRESS

RONALD V. DELLUMS, CALIF., CHAIRMAN

WALTER E. FAUNTROY, DELEGATE, DISTRICT OF COLUMBIA
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TELEPHONE: 225-4457

U.S. House of Representatives
Committee on the District of Columbia
ESTABLISHED 27 JANUARY 1808
Room 1310, Longworth House Office Building
Washington, D.C. 20515

September 23, 1985

Mr. David Rivers
Director
D.C. Department of Human Services
801 N. Capitol Street, N.W.
Washington, D.C. 20002

Dear Mr. Rivers:

This letter will serve as an addendum to Rep. Stewart McKinney's letter to you dated September 17, 1985. In that letter Mr. McKinney requested a number of items which had been previously requested either by the GAO in the course of their audit or by Mr. McKinney during oversight hearings on September 10,1985.

In addition to the cottage and institution logs requested on page two of that letter (point 2), the Committee would also like to have cottage and institution logs for Cedarl Knoll for the time period of January 1, 1984 to the present, and those logs should also be delivered not later than October 1, 1985, or 10 business days after the letter request made to you on September 17, 1985.

Sincerely yours,

Roberta Messalle

Roberta Messalle
Senior Minority Staff Assistant

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
COMMISSIONER OF SOCIAL SERVICE
WASHINGTON, D. C. 20001

October 1, 1985

Stewart B. McKinney
Ranking Minority Member
U. S. House of Representatives
Committee on the District of Columbia
Room 1310
Longworth House Office Building
Washington, D. C. 20515

Dear Congressman McKinney:

This is in response to your letter to David Rivers of September 17, 1985, requesting information discussed at the hearing concerning compliance with P.L. 94-142 and additional documents not included among those previously provided.

1. Monitoring Report

   There are no monitoring reports for the dates cited. A memo from Manros Nickens, Acting Chief, Monitoring, Evaluation and Technical Assistance Unit, is enclosed.

2. Annual Reports

   The Youth Services Administration does not prepare an individual Annual Report, as it is included in the Department's Annual Report. YSA institutions have from time to time prepared such reports. Oak Hill and Cedar Knoll did not produce a report in 1980 or 1981 (see memo from Edward Mahlin, dated September 24, 1985 and Gwendolyn Trades, dated September 26, 1985). Receiving Home Reports for 1980 through 1984 are enclosed. Records for 1985 will not be prepared until after the end of the Fiscal Year.

3. Contracts

   The additional institution contracts for educational or mental health services are: (a) a contract with William Goldstien, M.D. for psychiatric services at Oak Hill, (b) a contract with Mr. Clifton Anderson for Mental Health Services at the Receiving Home and (c) a contract with Progressive Life Institute for Group Therapy at Oak Hill. Copies of these contracts are enclosed.

The following points are submitted in response to the questions asked of us during our testimony:

1. The total cost for the Paul de Mauro report was $1,890, which covered six days of consulting work and travel. A copy of the voucher and bill is enclosed.
2. Copies of the logs for Oak Hill and the Receiving Home are enclosed in our submission.
3. Ms. Roberta Messalle of your staff has been in communication with our office, and has agreed to review the confidential Office of Investigations and Compliance reports in the office of Mr. Virgil McDonald at a time of mutual convenience.
4. The educational costs incurred by YSA are not budgeted as separate line items.

Sincerely,

Audrey Rowe
Commissioner

QUESTIONS FOR AUDREY ROWE, COMMISSIONER, COMMISSION ON SOCIAL SERVICES, DHS

1. On page 1 of your statement you refer to 330 committed juveniles in YSA custody. You do not mention Cedar Knoll. Were not some of these youths placed at this institution in FY 1984?

   During 1984, 171 youth were committed to Cedar Knoll. Of this number nine were placed pending Residential Placement, and five were placed pending Group Home placement.

2. On page 1 of your statement you state that YSA testing indicates that 40% of detained youth in FY 1984 were potentially handicapped. On what do you base this number? Who did the testing of these youths? What criteria were used to determine their potential handicaps?

   Our estimate of 40% is based on our initial assessments of youth detained at Oak Hill. The testing was performed by Education Support Services. The criteria used includes test results for Wide Range Achievement Tests, Ekwall and McCall Crabbs, and Dare. It also includes the assessor's behavior observation and informal exercises; attachment A lists the specific criteria used by ESS staff.

3. How did you insure that required services in the existing IEPs were provided when you had no special education programs?

   The absence of special education programs was the conclusion reached in the GAO testimony, but it has never been the position of DHS that there are no special education programs. The Department of Human Services provides special education programs. The special education needs of handicapped residents are identified in their IEPs. It is the responsibility of the education program administrators to insure the required services are provided as specified in the IEP.

4. Of those detained youth determined to need IEPs, how many had IEPs developed? Who prepared the IEPs? Who provided required services?

   P.L. 94-142 offers no specific guidelines with respect to responsibility for identifying handicapped residents who are detained awaiting trial or disposition. The District of Columbia takes the position that the responsibility for major treatment decisions for non-wards rests with the youth's parents or D.C. Public Schools. Recently, with the expansion of programs at the Receiving Home, a system was developed whereby all residents would be evaluated, and those suspected of a handicap would be referred to D.C. Public Schools for the development of an IEP. The provision of those services rests with Public Schools, unless and until the youth is committed to DHS. If a detained youth is determined to need an IEP, a referral would be made to DCPS. We do not have a record of referrals and have just begun making such referrals from the Receiving Home for Children. Of our referrals, children may be released before an IEP is completed. In our testimony we stated that of 153 youth detained at the Receiving Home, 20 had previously been identified by DCPS. 32 were referred by Receiving Home Staff to DCPS.

5. You state that 75 youth participated in the Community Services Program between September 1983 and March 1985. What percentage of the total number of the delinquents committed to DHS during this period does this number represent?

   Between September 1983 and October 1984, 37 youth were placed in the Community Services program. During that same period 330 youth were committed with approximately 11% placed in the Community Services Program. Between October 1984 and March 1985, 38 additional youth were placed in the program out of 149 newly committed youth. This represents approximately 26% of the new commitments. The second set of figures represents only six months of the fiscal year and may not hold true for all of FY 1985. You should also note that the program was started in FY 1984.

6. You detail education services provided by the Community Services Program. How do these services differ from services provided to delinquents in your Aftercare programs?

   The Community Services Program was designed to serve as an alternative to institutional commitment. It reflects our assessment of the needs of the younger population that were committed to Cedar Knoll. Youth in Aftercare have all previously been placed in an institution or group home. Prior to their return to the community, the facility is expected to make appropriate referrals for school or employment. Each youth released to Aftercare must sign an agreement which may include attending school. Once the youth in Aftercare is in school, educational services become the responsibility of D.C.P.S.

7. On page 3 you state that, of the 75 youths in the Community Services Program, 13 were previously identified as special education students. Who identified these youth? What special education and related services were provided to them, and by whom? Who identified the additional 14 special education students? Were IEPs prepared, and in what appropriate programs were these youth placed? Provide a list of these 27 students' names, the programs in which they were enrolled, and date (s) of participation in the Community Services Program.

   Youth were previously identified by D.C.P.S. and services were provided to them by D.C.P.S. The additional 14 students were also determined eligible by D.C.P.S. after a referral by the Community Services Program. I.E.P. development and placement was provided by D.C.P.S. Upon advice of Corporation Counsel the names of these 27 students cannot be provided; however, a list of their placements and dates of placement are attached. (Attachment A 1).

8. You state that, at the Harambee House, a full-time certified special education teacher provides instruction. Is this teacher certified by the Board of Education to teach special education in the District? Is this teacher a member of YSA's staff. If not, who employs this teacher?

   The teacher at Harambee is certified to teach special education by the State of Virginia and has applied for certification by D.C.P.S. (Attachment B) This teacher is under the Education Support Systems contract and is not YSA staff.

9. You state that one girl at Harambee House, previously identified as a special education student, was referred for placement through DCPS. Was this student placed in an appropriate program? Explain.

The young woman was referred to DCPS to South Community Mental Health Center for their day treatment program and is presently in that program. (Attachment _C_). We have been advised by Corporation Counsel that we must remove the name of this young person from our attachment.

9A. On page 3 of your statement, you stated that an education program was initiated at the Receiving Home in July 1984. Isn't it true that this education was provided by a private contractor, did not include special education, and ceased in November 1984? What education services were provided between November 1984 and the initiation of the new Receiving Home program in April 1985?

The Receiving Home was closed for long term detention by the Savoy Order June 12, 1973. The order allowed the facility to house youth for no longer than 48 hours. However, an average daily population of 13 youth were court ordered detained at the Receiving Home prior to our reopening in April 1985. Based on this fact and the length of time it was taking to reach agreement with the Public Defender on reopening the Receiving Home, we felt an obligation to initiate an education program for youth in the facility. The program provided between July 1984 and November 1984 was through a contract with Educational Support Services and included a special education teacher. During the period of November 1984 and April 1985 educational services were provided by the following YSA Staff; - Lawrence Manning, former Principal of Oak Hill; - Kathy Clark, Director of Chapter I Programs Youth Services Administration. ESS staff at Harambee also provided consultations. Students were provided with three hours of language arts and mathematics and one hour of physical therapy daily.

It is critical to remember that until Judge Gladys Kessler issued her order in March, 1985, the Receiving Home was not recognized as a legal long term detention placement. Support services such as education were limited prior to the program that started in July 1984.

10. Describe special education and related services provided at the Receiving Home. If the Receiving Home cannot provide the services required by a D.C.P.S. IEP, who will? What formal agreements have been established with D.C.P.S. to provide services the Receiving Home cannot provide?

All educational programming at the Receiving Home for Children is individualized regardless of an identified handicap. Both handicapped and non- and non-handicapped children are educated in classes together.

The students at the Receiving Home for Children are placed in the three (3) levels of academic classes based upon their educational assessment. The diagnostician notifies each teacher if the student has any special needs and requires special services; the educational administrator locates and secures public school IEPs when available.

Within the classroom, all students, including those who have been identified as handicapped under the P.L. 94-142 guidelines, are given an individualized instructional program (IIP). If there is a current IEP, the short term goals are incorporated into the Receiving Home IIP. Each classroom teacher provides a variety of multi-sensory materials according to the students grade level, curriculum area, and specific handicapping condition.

As these students improve in skills and behavioral areas, they are placed in a higher level of performance. IIPs are updated periodically to reflect performance levels.

To supplement the regular classroom strategies, students are provided individualized tutorial services during the regular school hours and in the evenings. Language Arts and Math are supplemented on an individualized basis in Computer Lab.

Based upon recommendations of Unit Team meetings, a number of referrals are are made to Mental Health and Psychology (Advanced Group Counseling and Life-Core Group Counseling).

The Educational Handbook for the Receiving Home outlines the process between the faculty and DCPS. (Attachment C 1).

If there were a youth detained requiring services beyond our educational, medical or mental health programs we would request assistance from DCPS.

11. You state that the Receiving Home program is designed to provide 30 days of instruction. What instruction will be provided to detained youth who stay longer than 30 days at the Receiving Home?

Students continue in the educational program as long as they remain in the facility. The 30 day design is based on the average length of stay in the facility. If a youth remains past 30 days, there must be a new treatment team meeting and a review and updating of the youth's Individual Plan.

12. On page 5 of your statement, you state that D.C.P.S. IEP's are obtained and placed in the juvenile's YSA file. How are these IEP required services incorporated into the juvenile's Individual Instruction Plan (IIP) and subsequently provided?

The Receiving Home for Children Educational Unit provides instruction to meet the uniquely diversified needs of detained youth as outlined below:

For children currently determined eligible for Special Education services (handicapped in accordance with P.L. 94-142) and last enrolled in Special Education placement; educational staff develop Individualized Instructional Plans (IIPs) which maintain, as clearly as possible, current Individualized Educational Plans (IEPs) secured from local schools.

Educational staff incorporate the short-term objectives, as stated on the IEP, into the Individualized Instructional Plan (IIP). Included are short-term behavioral goals to promote each client's study habits through:

-- increased attention span on task

-- increased persistence in task completion

-- increased independence in the review and self correction of completed tasks

-- decreased description during task change

-- decreased need for intense supervision and individualized attention

Multisensory instructional materials are utilized that:

-- provide visual stimulus with supportive kinesthetic exercise

-- require short-term time intervals to complete as lessons which can be adapted to increase in time intervals

-- provide tangible evidence of progress and achievement as "worksheet" assignments accumulate in the student folder

Whenever the Receiving Home can not provide special services as stated on the Individualized Educational Plan (IEP), other appropriate agencies along with D.C.P.S. will be notified and asked to provide the needed services.

13. On page 5 of your statement, you state that classes at the Receiving Home are taught by certified special education teachers. How many special education teachers are there at the Receiving Home? Who has certified these teachers to teach special education? Isn't it true that two of these teachers were previously teaching at Cedar Knoll, and, as GAO has testified were not certified by the D.C. Board of Education to teach special education?

There are two certified Special Edcucation teachers at the Receiving home.

Following is a list of our present staff at the Receiving Home:

Barbara L. O'Neal -- Teacher at Receiving Home

1. Graduated from Bowie State College on May 11, 1985 with a Masters of Education in Special Education.

2. Applied for D.C. Certification in June, 1985, but has yet to hear about status.

3. Applied for Certification with the Maryland Board of Education on September 12, 1985. No certificate has been received to date.

4. Currently certified with D.C.P.S. in the area of Elementary Education.

Juliette Davis -- Diagnostician, Education at Receiving Home

1. B.A. Sociology -- 1972 -- University of the District of Columbia
2. M.A. Counseling Psychology -- 1978 -- University of the District of Columbia
3. Current Certification by National Board for Certified Counselors, Inc.

Verniece Williams

1. B.A. Special Education -- 1982 -- Oral Roberts University
2. Master's Candidate -- (May, 1986) -- George Washington University in Special Education for Adjudicated Youth
3. Currently Certified as LD-MR Teacher, Fairfax County, Virginia, and CD-MR and Elementary Education in Oklahoma City, Oklahoma

An additional staff person, Karen Reece, is provided through a contract with Educational Support Systems. This individual has certification in Special Education from the State of Texas.

Two of the staff were previously at Cedar Knoll, one teacher and the educational assessment staff person. The teacher has applied for certification in Maryland and D.C. Staff credentials are attached (Attachment D)

14. On page 6 of your statement, you state that DCPS monitored the Receiving Home education program. Isn't it true that the D.C.P.S. Compliance Monitoring Report dated June 27, 1985, found that the Receiving Home program was out of compliance with the following requirements of P.L. 94-142:

-- Free Appropriate Education
-- Individualized Education Programs
-- Due Process (surrogate parents)
-- Least restrictive Environment
-- Confidentiality of Information

D.C.P.S. did find minor manners in which we were in non-compliance and we agreed with their assessment.

We submitted copies of our Corrective Action Plan previously. In it you will note the specific areas that required improvement. They include:

1. a procedure to insure proper functioning of hearing aids.
2. a procedure to refer outdated I.E.P's to the Regional Office of Special Education or Logal Center.
3. Procedures for identification of Surrogate Parents.
4. A description of the program as it relates to the concept of "least restrictive environment" and individualized services.
5. A list of individuals with access to confidential information.

The critical areas of compliance with P.L. 94-142 are being met at the Receiving Home. Youth are being identified and referred when appropriate I.E.P's are being incorporated into the educational program and support services are being provided.

15. On what date was the Receiving Home's "preliminary work plan", as stated on page 6 of your statement, approved by D.C.P.S? Please provide the Committee with a copy of this approved D.C.P.S. plan.

The Receiving Home "work plan" was a verbal understanding which came out of a meeting on March 8, 1984 with Ms. Ginny Johnson at Logan Center, DCPS, and staff of Educational Support Systems. A process was developed to cover the following issues.:

1. Identification of specific Receiving Home case referral processes for Logan or the appropriate local School or Region.
2. Establishment of contact points for Receiving Home Staff and Logan Center.
3. Identification of Comprehensive Student Service Forms (CSSF) requirements and documentation needs.

Attached is a memo from Dr. Woodson designating our contact people for DCPS (Attachment E), which is our only written evidence of our agreement.

16. Isn't it true that the YSA Diagnosticians at Oak Hill are actually employed by Educational Support Services, Inc. (ESS)? Please clarify if Oak Hill's teaching and clinical staff are employees of ESS or YSA.

The Educational Diagnostician at Oak Hill is under contract through Education Support Services. All other teaching staff are presently YSA employees. There are two contracts for Clinical services; one for psychiatric services and one for group therapy. An R.F.P. was released for FY 1986 to provide additional group and individual counseling for "high risk" offenders. This new program is under a grant from OJJDP to Corporation Counsel and YSA. All other clinical staff at Oak Hill are also YSA employees.

17. How will the Receiving Home's education program be adapted to meet the needs of detained youth at Oak Hill?

Oak Hill educational staff are familiar with the Receiving Home program. In the new fiscal year, teaching staff will be trained to implement the program within the detained cottages. The Educational Handbook (attachment C1) developed for the Receiving Home will be used as the model for the program. Receiving Home staff will assist in training Oak Hill teachers. An Administrative staff person will also be provided for the Principal for record tracking and record transfer.

18. Elaborate on special education and related services provided to committed youth at Oak Hill.

Effective July 8, 1985, all committed youth at Oak Hill were grouped for instructional purposes based upon their scores on the Wide Range Achievement Test. These committed youth who scored below 4.0 in Reading on the WRAT were placed in a group known as The Learning Center. During the summer session, the Learning Center provided special educational services to approximately twenty-two (22) committed youth whose scores fell in the range below 3 (revised WRAT) to 3.0. Instruction was focused upon the curriculum areas of reading and mathematics. The students were taught by four adults: two special education teachers (one hired for summer from DCPS), one Chapter I teacher and one Chapter I aide.

In addition to the special education institutional services provided to Oak Hill committed youth, many pre-vocational and job training opportunities are offered. For committed youth who are at least sixteen years of age, the Training Retraining Program (TREP); Out of School Work Experience Program (OSWE); the Opportunities Industrialization Center Building Maintenance Trades Program (OIC); Barbering, and Printing are available. Both TREP and OSWE are funded through the D.C. Department of Employment Services to enable committed students at Oak Hill to gain necessary skills and on-the-job training in the fields of: clerical/data entry, carpentry, painting, plumbing, auto mechanics, electrical wiring, and food preparation. Students receive stipends as they progress toward achieving marketable entry-level skills in their assigned vocational areas. The OIC program came to Oak Hill through the collaborative auspices of Rehabilitation Services Administration and YSA. This program involves committed youth over 17 1/2 years of age in a full day eighteen week job training effort in which successful graduates are prepared for entry level jobs as helpers in the following following building maintenance fields: carpentry, plumbing, painting, brickmasonry, wiring and drywall installation.

Barbering and printing are two Oak Hill vocational programs available to interested committed youth who desire training in the personal services and industrial production areas. Barbering students learn all requisite skills concomitant with with apprenticeship licensing while gaining practical experience in the actual cutting of hair. Printing students will soon be involved in a variety of entrepreneurial pursuits geared toward making the program work successfully enough so that they will be able to reap the financial rewards of their labor.

Students also participate in physical education and choir as part of their regular school program. The services of a full time librarian are also available.

In the health field, many related services are available to committed youth at Oak Hill. Psychological services are provided by three full-time psychologists. Moreoever, two part-time psychiatrists serve the youth by appointment. As a routine part of the admission process to Oak Hill students receive both a physical examination and an audiology screening.

19. You state that Oak Hill committed juvenile delinquents, who have been identified as educationally handicapped according to P.L. 94-142, will have an IEP. Who will identify these delinquents and what criteria will be used to determine their eligibility for special education? Who will prepare these delinquents' IEPs?

The process by which handicapping conditions are identified and IEPs developed at Oak Hill is contained in the attached Diagnostic and Orientation Flow Chart

(Attachment F) This process has been in place at Oak Hill since 1980. The chart reveals that a multi-disciplinary team collaborates in identifying handicapped residents utilizing data from a battery of tests along with school reports, social studies, and medical information. A Ph.D.-level psychologist heads the team. Criteria for identification are consistent with those specified in P.L. 94-142 and further refined through workshops conducted by D.C. Public Schools and the Foundation for Exceptional Children (See attachment F). To date, the IEPs at Oak Hill hav been prepared by a Teacher DS-9. Consideration is now being given to creating a new position for a specialist in IEP development.

20. Will students enrolled in Oak Hill pre-G.E.D. and G.E.D. programs receive special education and related services if required? Explain.

With regard to special education, students requiring academic special education services for learning disabilities will be placed in the Learning Center. Students in the pre-G.E.D. and G.E.D. programs who need related services will be provided services for physical or emotional disabilities through the mental health and medical service program.

21. How will special education and related services be provided to residents in Oak Hill's Pre-Release house?

Youth placed in the Pre-Release House are involved in community programs. The majority are employed in the city and are not attending school programs. A youth returning to school from the Pre-Release program, who needs special education, will be placed in a DCPS or other appropriate placement. In addition to youth in the Pre-release House, a number of youth are placed on work release or school release by the Court. Presently, three Oak Hill residents attend school in the city every day.

22. Elaborate on the Winners program. Does this program provide special education and related services?

The Winners Program is a non-residential day program for troubled youth ages 14 to 17 in the community. The program provides educational, psychological and sociological services. Specific services are provided in an individual or group structured mode in the following areas:

1. Tutoring in mathematics, language arts and reading
2. Educational support and advocacy
3. Employment preparation
4. Educational placement and continued monitoring
5. Self-concept development

An evaluation and assessment of the youth coming into the program provides the basis for the development of an individualized educational plan for each youth. The staff of Winners works with a variety of professional and community persons involved in the delivery of services to the youth.

A special activity of the program is an evening family dinner meeting called "You're Not Alone Family Meeting". This is a group social interactive activity that brings together the youth in the program and their respective families for an evening of social exchanges, simple refreshment and an educational program. Such an activity tends to alleviate the isolation and "aloneless" that troubled families and their youth feel.

Since its inception, the Winners Program has served approximately 59 youth and continues to monitor and advocate for 8 other youth who have passed through the program.

The operational format for youth coming into the program starts with an orientation to the rules, schedules and expectations. The staff takes a few days to observe the youth while he/she is getting acclimated to the school. Within the first week, an individualized academic assessment is done. This assessment is done independently of other records in the youth's file. After an evaluation is completed, a general staff meeting is held, at which time the abilities and needs of the youth are discussed. The results of this meeting provide the basis for development of the components of each youth's individualized plan. If necessary or if voids exist where information is needed, meetings are arranged with the family, social service workers, etc., to complete the information needed. Once the plan is developed, the youth starts his/her prescribed schedule of activities.

Most of the youth being sent to the Winners Program are youth who have had their education severely disrupted by their social environments and the institutions to which they have been sent. It has, therefore, been impossible for them to develop academically in the same way that an average student has been able to. What the Winners program works to achieve is to bring these youth through academic remediation to the level at which he/she can be placed in a public setting. When Winners receives a student that has been designated by the social service workers as a "special education" student, we follow the procedures designated by the team that has evaluated him/her. The following is an example of the process employed with one student who came to our program with such a designation.

A special education youth was referred to the Winner's Program. The youth came from Cedar Knoll with accompanying records indicating that he was being evaluated at the Logan Center. The staff at the Winners did an in-house educational assessment and developed an interim plan for educational tutorial services according to the student's needs. The student was in the Winners program for a brief period (approximately three months) and was then placed in an academic grade level at the DCPS Special Education Program pending the results of the evaluation from the Logan Center.

A.R.E. has on its staff, persons with expertise and training in tutoring the basic skill areas of mathematics, reading and language arts. The basic skills remediation program focuses on the specific gaps and problems that the individual youth has as a result of their developmental background. Remedial instruction include specific skill development as designed by the developed plan. Instructional objectives are developed for each student based upon the initial assessment of the youth. A diagnostic-prescriptive evaluation approach is used to document and monitor skills development.

On-going educational counseling and support effort is provided for all the youth in the program. While working with and tutoring the youth in academic and psycho-social skills, the staff actively engages in educational planning which may include, visitation to different school programs, and enrollment in an educational institution when appropriate in the development of the youth. A member of Winner's staff has extensive experience in school placement and and follow-up educational advocacy action. The staff can identify and place students in the most appropriate school setting available and monitor their attendance and classroom performance. Self-esteem and confidence in learning is a product of success in school activities and that is one of the goals of the Winners educational program. A.R.E. also calls on its extensive in-house resources as appropriate and necessary for the needs of individual youth in the program. A.R.E. Emeritus Teachers program has a roster of teachers with expertise in many areas. The Mayor's Summer Youth Employment Program has also served for the past several years as an important work experience for the Winners youth. The S.Y.E.P program is a combined academic and work experience for teen-age youth that operates during the summer months.

23. Will DCPS special education and eligibility standards be adopted at Oak Hill and the Receiving Home? Explain.

DCPS eligibility standards will be adopted at Oak Hill and the Receiving Home. Similarly, all new teachers hired will be required to meet DCPS certification standards. We expect at least annual monitoring by DCPS for compliance with P.L. 94-142.

24. Provide details of your efforts with DCPS to improve YSA assessments, record-tracking, and services in your institutional programs.

In addition to annual monitoring reports and corrective action plans exchanged between DCPS and YSA, a number of additional initiatives were undertaken to achieve closer collaboration between YSA and DCPS. The attached documents (Attachment G) include a letter dated February 23, 1981, to Deputy Superintendent David Burket addressing the need for technical assistance to sharpen criteria for identifying handicapping condition facilitating the exchange of records, clarifying policy concerning obligations to detained residents, and other issues related to P.L. 94-142. Similarly a memorandum dated March 3, 1982, documents an interagency meeting geared toward specifying procedures to expedite the transfer of records. A letter dated November 9, 1983, from Assistant Superintendent Doris Woodson demonstrates an interest on the part of DCPS to track handicapped students within YSA programs. In addition to these documented efforts, there have been numerous phone calls and meetings, including some formal workshops sponsored by DCPS, which reflect a collaborative effort between the agencies.

25. Provide a copy of the new agreement between YSA and DCPS referred to on page 13 of your statement. Do you have a similar agreement with the Court? Provide and explain.

A meeting was held on September 9, 1985 with Alan Schuman, Director, Court Social Services, D.C. Superior Court and Dr. Wilbur Millard, Associate Superintendent, Office for Special Services and State Affairs of the DCPS and Patricia L. Quann concerning the designation of a liaison person in each agency and mechanisms to improve record tracking between YSA, the Court and DCPS. We will be formalizing this procedure shortly. YSA had identified Mr. Lawrence Manning at the Receiving Home to act as our central referral person for the Receiving Home and Oak Hill.

26. How much of the funds provided by Senator Spector's Corrections Educational Initiative will be used to upgrade educational services at Oak Hill.

We are requesting $362,700 in FY 1986 be reallocated for teachers and equipment.

27. Who are the members of the Task Force to oversee the transition of Oak Hill programs? Elaborate on the Task Force's role and responsibilities. Detail the Task Force's accomplishments since its initiation in July 1985.

The members of the Task Force are: Alan M. Schuman, Director, Court Social Services, D.C. Superior Court; Inspector Richard Pennington, Community Services, Metropolitan Police Department; Reverend Donald D. Robinson, Shiloh Baptish Church; Shirley Wilson, Director of the Office of Criminal Justice Plans and Analysis; Arthur Graves, Superintendent of Lorton Youth Centers, and Jackie Robinson, Director, Mayor Barry's Youth Leadership Institute.

On August 14, 1985 the Chairman, Alan M. Schuman, and the Administrator of Youth Services Administration, Patricia Quann met with Oak Hill staff to explain the goals of the Task Force and to ask each discipline to select representatives to work on the Task Force. A meeting of the Task Force has been scheduled for October 4, 1985. The Mission of the Task Force will be to assist in the development of new programs at the facility and to insure coordination between various programs in the facility.

GOVERNMENT OF THE DISTRICT OF COLUM[illegible]
DEPARTMENT OF HUMAN SERVICES
WASHINGTON, D. C. 20002

Rec'd 11:30 10/24 MM

MEMORANDUM

Human Services/
CSS/RMU
10/18/85

To: Robert Malson
Senior Policy Advisor

From: Stacie Balderston SB
Resource Management

Subject: Fiscal Year 1985 and 1986 Budgets for Youth Services Administration

Attached please find the fiscal year 1985 abd 1986 budgets for Youth Services Administration.

The attached represents the most discrete levels of budget authority for Youth Services, and includes all sources of funds. The appropriated amounts are available through the City's appropriation acts. Other sources of funds to offset expense include Federal grants and reimbursements, private donations, intra-district funds from other City agencies.

Since the budgets for all Department of Human Services administrations are required to be organization-based rather than program-based, Youth Services cannot develop or spend against a budget for education or special education. Further, the City's object class definitions do not permit program cost accounting, and DHS has not developed subsidiary accounting systems that would permit cross-walking organization/object class spending into program groupings.

Please let me know if you need additional information on this matter.

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                                                                                                   REPORT PAGE:        537
RUN DATE:  08/03/95                          DISTRICT OF COLUMBIA                                    REPORT ID:  [illegible]
RUN TIME:  08:44:20                                                                                     SYSTEM:  FMS
                                  MODIFICATIONS TO ALLOCATION OF REVENUE
                                 BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                              AS OF 08/01/95
                                         BUDGET FISCAL YEAR:  1995

                 FUND:   100  GENERAL FUND
               AGENCY:    JA  DEPT OF HUMAN SERVICES                                   MANAGER:  DAVID RIVERS
       CONTROL CENTER:    YS  YOUTH SERVICES ADMINISTRATION                            MANAGER:  PATRICIA QUANN
RESPONSIBILITY CENTER:  YSAD  ALTERNATIVE DETENTION                                    MANAGER:  CURTIS MOORE

                                            INTRA-DIST                                                   REVENUE ALLOCATIONS
                                              BUYER          RESPONSIBLE ORGANIZATION              --------------------------------
                                           -----------  ---------------------------------------        ORIGINAL          CURRENT
   OBJECT CLASS          REVENUE SOURCE    FUND/AGENCY  FUND  AGENCY  RESPONSIBILITY CENTER           AMOUNT            AMOUNT
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11 CONT. FULL TIME   APPR  APPROPRIATION                  100    JA    DBDC  OFC OF CONTRLR           506,000           506,000
11 CONT. FULL TIME   SSCB  SSBG SOC SVC BL                100    JA    DBDC  OFC OF CONTRLR           501,200           501,200

                                                             ****** TOTAL OBJECT CLASS:    11       1,007,200         1,007,200

13 ADDNL GROSS PAY   APPR  APPROPRIATION                  100    JA    DBDC  OFC OF CONTRLR            23,000            23,000
13 ADDNL GROSS PAY   SSCB  SSBG SOC SVC BL                100    JA    DBDC  OFC OF CONTRLR            11,100            11,100

                                                             ****** TOTAL OBJECT CLASS:    13          34,100            34,100

14 FRINGES - CURR    APPR  APPROPRIATION                  100    JA    DBDC  OFC OF CONTRLR            46,000            46,000
14 FRINGES - CURR    SSCB  SSBG SOC SVC BL                100    JA    DBDC  OFC OF CONTRLR            58,100            58,100

                                                             ****** TOTAL OBJECT CLASS:    14         104,100           104,100

20 SUPPL. AND MAT.   APPR  APPROPRIATION                  100    JA    DBDC  OFC OF CONTRLR            33,000            33,000

40 OTHER SERV CHGS   APPR  APPROPRIATION                  100    JA    DBDC  OFC OF CONTRLR            15,000            15,000

50 SUBSID. & TRANS   APPR  APPROPRIATION                  100    JA    DBDC  OFC OF CONTRLR         2,716,000         2,716,000

70 EQUIP AND RENTL   APPR  APPROPRIATION                  100    JA    DBDC  OFC OF CONTRLR             9,000             9,000

                                                      ***** TOTAL RESPONSIBILITY CENTER:  YSAD      3,918,400         3,918,400
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* RUN DATE:  08/08/95                     DISTRICT OF COLUMBIA                                      REPORT PAGE:        538
  RUN TIME:  08:44:30                                                                                REPORT ID:  [illegible]
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                                   MODIFICATIONS TO ALLOCATION OF REVENUE
                                  BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                             AS OF 08/01/95
                                        BUDGET FISCAL YEAR:  1995

                    FUND:   100  GENERAL FUND
                  AGENCY:    JA  DEPT OF HUMAN SERVICES                                  MANAGER:  DAVID RIVERS
          CONTROL CENTER:    YS  YOUTH SERVICES ADMINISTRATION                           MANAGER:  PATRICIA QUANN
   RESPONSIBILITY CENTER:  YSAC  AFTERCARE SERVICES DIVISION                             MANAGER:  JAMES BELLAMY

                                               INTRA-DIST                                                    REVENUE ALLOCATIONS
                                                 BUYER           RESPONSIBLE ORGANIZATION             ---------------------------------
                                              -----------   ------------------------------------        ORIGINAL          CURRENT
     OBJECT CLASS            REVENUE SOURCE   FUND/AGENCY   FUND  AGENCY  RESPONSIBILITY CENTER          AMOUNT            AMOUNT
  ------------------   ----------------------  -----------   ----  ------  --------------------     ---------------   ---------------
  12 REG PAY - OTHER   1201  MISC. BILLINGS    100    CF     100     JA    0CDC  OFC OF CONTROLS             34,130                 1

  14 FRINGES - CURR    1201  MISC. BILLINGS    100    CF     100     JA    0CDC  OFC OF CONTROLS              1,000                 1

                                                     ***** TOTAL RESPONSIBILITY CENTER:  YSAC           35,[illegible]                 2
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RUN DATE: 08/02/89
RUN TIME: 08:44:30

DISTRICT OF COLUMBIA

REPORT PAGE: 539
REPORT ID: [illegible]
SYSTEM: FMS

MODIFICATIONS TO ALLOCATION OF REVENUE
BY RESPONSIBILITY CENTER AND OBJECT CLASS
AS OF 08/01/89
BUDGET FISCAL YEAR: 1989

FUND: 100 GENERAL FUND
AGENCY: JA DEPT OF HUMAN SERVICES
CONTROL CENTER: YS YOUTH SERVICES ADMINISTRATION
RESPONSIBILITY CENTER: YSCS COMMUNITY SERVICES

MANAGER: DAVID RIVERS
MANAGER: PATRICIA QUANN
MANAGER: RANDALL MOORE

OBJECT CLASS	REVENUE SOURCE	INTRA-DIST BUYER FUND/AGENCY	RESPONSIBLE ORGANIZATION FUND	AGENCY	RESPONSIBILITY CENTER	REVENUE ALLOCATIONS ORIGINAL AMOUNT	CURRENT AMOUNT
11 CONT. FULL TIME	APPR APPROPRIATION		100	JA	[illegible] OFC OF CONTRLR	1,940,000	1,940,000
12 REG PAY - OTHER	1201 REMB. BILLINGS	100 CF	100	JA	[illegible] OFC OF CONTRLR	0	34,110
13 ADDNL GROSS PAY	APPR APPROPRIATION		100	JA	[illegible] OFC OF CONTRLR	63,000	63,000
14 FRINGES - CURR	APPR APPROPRIATION		100	JA	[illegible] OFC OF CONTRLR	175,000	175,000
14 FRINGES - CURR	1201 REMB. BILLINGS	100 CF	100	JA	[illegible] OFC OF CONTRLR	0	1,697
			****** TOTAL OBJECT CLASS: 14			175,000	176,697
20 SUPPL. AND MAT.	APPR APPROPRIATION		100	JA	[illegible] OFC OF CONTRLR	44,000	44,000
30 ENGY, BLDG RENT	APPR APPROPRIATION		100	JA	[illegible] OFC OF CONTRLR	150,000	150,000
40 OTHER SERV CHGS	APPR APPROPRIATION		100	JA	[illegible] OFC OF CONTRLR	128,000	128,000
50 SUBSID. & TRANS	APPR APPROPRIATION		100	JA	[illegible] OFC OF CONTRLR	2,800,000	2,800,000
70 EQUIP AND RENTL	APPR APPROPRIATION		100	JA	[illegible] OFC OF CONTRLR	8,000	8,000
			***** TOTAL RESPONSIBILITY CENTER: YSCS			5,308,000	5,343,807

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RUN DATE:  08/02/95                            DISTRICT OF COLUMBIA                                   REPORT PAGE:        540
RUN TIME:  08:44:30                                                                                     REPORT ID:  DRPOU20C
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                                    MODIFICATIONS TO ALLOCATION OF REVENUE
                                   BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                               AS OF 08/01/95
                                         BUDGET FISCAL YEAR:   1995

                    FUND:    100  GENERAL FUND
                  AGENCY:     JA  DEPT OF HUMAN SERVICES                                   MANAGER:  DAVID RIVERS
          CENTRAL CENTER:     YS  YOUTH SERVICES ADMINISTRATION                            MANAGER:  PATRICIA QUANN
   RESPONSIBILITY CENTER:   YSOH  OAK HILL                                                 MANAGER:  GAYFORD MYERS

                                                   INTRA-DIST                                                      REVENUE ALLOCATIONS
                                                     BUYER          RESPONSIBLE ORGANIZATION              -----------------------------------
                                                  -----------   --------------------------------------       ORIGINAL            CURRENT
      OBJECT CLASS            REVENUE SOURCE      FUND/AGENCY   FUND  AGENCY  RESPONSIBILITY CENTER            AMOUNT             AMOUNT
  -------------------    ----------------------   -----------   ----  ------  ----------------------     ---------------    ---------------
  11 CONT. FULL TIME     APPR  APPROPRIATION                    100     JA    DDDC  OFC OF CONTRLR            5,617,000          5,617,000
  11 CONT. FULL TIME     1399  SUBGRANTEE SERV     100    GA    100     JA    DDDC  OFC OF CONTRLR                    0            144,177

                                                                 ****** TOTAL OBJECT CLASS:    11          5,617,000          5,761,177

  12 REG PAY - OTHER     APPR  APPROPRIATION                    100     JA    DDDC  OFC OF CONTRLR              243,000            243,000
  12 REG PAY - OTHER     1399  OUT-OF-SCHOOL       100    CF    100     JA    DDDC  OFC OF CONTRLR               76,400             76,400

                                                                 ****** TOTAL OBJECT CLASS:    12            319,400            319,400

  13 ADDL GROSS PAY      APPR  APPROPRIATION                    100     JA    DDDC  OFC OF CONTRLR              629,000            629,000

  14 FRINGES - CURR      APPR  APPROPRIATION                    100     JA    DDDC  OFC OF CONTRLR              581,000            581,000
  14 FRINGES - CURR      1399  OUT-OF-SCHOOL       100    CF    100     JA    DDDC  OFC OF CONTRLR                5,161              5,161
  14 FRINGES - CURR      1399  SUBGRANTEE SERV     100    GA    100     JA    DDDC  OFC OF CONTRLR                    0             14,655

                                                                 ****** TOTAL OBJECT CLASS:    14            586,161            600,816

  20 SUPPL. AND MAT.     APPR  APPROPRIATION                    100     JA    DDDC  OFC OF CONTRLR              553,000            553,000
  20 SUPPL. AND MAT.     1281  FOOD SERV SALES                  100     JA    YSYS  YOUTH SVCS ADMN               1,000              1,000
  20 SUPPL. AND MAT.     1399  OUT-OF-SCHOOL       100    CF    100     JA    DDDC  OFC OF CONTRLR               11,318             11,318
  20 SUPPL. AND MAT.     1399  SUBGRANTEE SERV     100    GA    100     JA    DDDC  OFC OF CONTRLR              217,909            217,909

                                                                 ****** TOTAL OBJECT CLASS:    20            783,227            783,227

  30 ENRY. BLDG RENT     APPR  APPROPRIATION                    100     JA    DDDC  OFC OF CONTRLR              998,000            998,000

  40 OTHER SERV CHGS     APPR  APPROPRIATION                    100     JA    DDDC  OFC OF CONTRLR               70,000             70,000
  40 OTHER SERV CHGS     1399  OUT-OF-SCHOOL       100    CF    100     JA    DDDC  OFC OF CONTRLR                4,000              4,000
  40 OTHER SERV CHGS     1399  SUBGRANTEE SERV     100    AA    100     JA    DDDC  OFC OF CONTRLR                    0                300

                                                                 ****** TOTAL OBJECT CLASS:    40             74,000             74,300

  50 SUBSID. & TRANS     1399  OUT-OF-SCHOOL       100    CF    100     JA    DDDC  OFC OF CONTRLR               55,440             55,440

  70 EQUIP AND RENTL     APPR  APPROPRIATION                    100     JA    DDDC  OFC OF CONTRLR               51,000             51,000
  70 EQUIP AND RENTL     1399  OUT-OF-SCHOOL       100    CF    100     JA    DDDC  OFC OF CONTRLR               18,881             18,881

                                                                 ****** TOTAL OBJECT CLASS:    70             69,881             69,881

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RUN DATE:  08/02/85                    DISTRICT OF COLUMBIA                          REPORT PAGE:        841
RUN TIME:  08:44:30                                                                    REPORT ID:  [illegible]
                               MODIFICATIONS TO ALLOCATION OF REVENUE                     SYSTEM:  FMS
                              BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                          AS OF 08/01/85
                                      BUDGET FISCAL YEAR:  1985

                  FUND:    100  GENERAL FUND
                AGENCY:     JA  DEPT OF HUMAN SERVICES
        CONTROL CENTER:     YS  YOUTH SERVICES ADMINISTRATION                       MANAGER:  DAVID RIVERS
 RESPONSIBILITY CENTER:   YSOH  OAK HILL                                             MANAGER:  PATRICIA QUANN
                                                                                     MANAGER:  RAYFORD BYERS

                                               INTRA-DIST                                                     REVENUE ALLOCATIONS
                                                 BUYER               RESPONSIBLE ORGANIZATION           ------------------------------
                                              -----------   ----------------------------------------     ORIGINAL          CURRENT
    OBJECT CLASS           REVENUE SOURCE     FUND/AGENCY   FUND  AGENCY  RESPONSIBILITY CENTER           AMOUNT            AMOUNT
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                                                      ***** TOTAL RESPONSIBILITY CENTER:  YSOH          8,000,100         8,881,241
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413

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RUN DATE:  08/03/89                                                                                    REPORT PAGE:       842
RUN TIME:  08:44:30                       DISTRICT OF COLUMBIA                                          REPORT ID:   RRFBU300
                                                                                                           SYSTEM:   FMS
                               MODIFICATIONS TO ALLOCATION OF REVENUE
                               BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                           AS OF 08/01/89
                                      BUDGET FISCAL YEAR:  1989

                       FUND:   100  GENERAL FUND
                     AGENCY:    JA  DEPT OF HUMAN SERVICES
             CONTROL CENTER:    YS  YOUTH SERVICES ADMINISTRATION                        MANAGER:  DAVID RIVERS
      RESPONSIBILITY CENTER:  YSRH  RECEIVING HOME                                       MANAGER:  PATRICIA QUANN
                                                                                         MANAGER:  JULIA SCOTT

                                               INTRA-DIST                                                      REVENUE ALLOCATIONS
                                                 BUYER           RESPONSIBLE ORGANIZATION              ------------------------------
   OBJECT CLASS          REVENUE SOURCE       ------------  --------------------------------------      ORIGINAL           CURRENT
-----------------   ----------------------    FUND/AGENCY   FUND  AGENCY  RESPONSIBILITY CENTER         AMOUNT             AMOUNT
                                              ------------  ----  ------  ----------------------   ---------------   ---------------
11 CONT. FULL TIME  APPR  APPROPRIATION                      100    JA    DDDC  OFC OF CONTRLR          1,750,000         1,772,000
11 CONT. FULL TIME  IDCR  IND CST RECOVER                    100    JA    DDDC  OFC OF CONTRLR                  0            30,491
11 CONT. FULL TIME  1386  SUBGRANTEE SERV      100   GA      100    JA    DDDC  OFC OF CONTRLR                  0            40,257

                                                           ****** TOTAL OBJECT CLASS:     11        1,750,000         1,842,748

12 REG PAY - OTHER  APPR  APPROPRIATION                      100    JA    DDDC  OFC OF CONTRLR            148,000           148,000

13 ADDNL GROSS PAY  APPR  APPROPRIATION                      100    JA    DDDC  OFC OF CONTRLR            306,000           306,000

14 FRINGES - CURR   APPR  APPROPRIATION                      100    JA    DDDC  OFC OF CONTRLR            165,000           185,000
14 FRINGES - CURR   IDCR  IND CST RECOVER                    100    JA    DDDC  OFC OF CONTRLR                  0             3,973
14 FRINGES - CURR   1386  SUBGRANTEE SERV      100   GA      100    JA    DDDC  OFC OF CONTRLR                  0             4,986

                                                           ****** TOTAL OBJECT CLASS:     14          165,000           193,959

20 SUPPL. AND MAT.  APPR  APPROPRIATION                      100    JA    DDDC  OFC OF CONTRLR            125,000           125,000
20 SUPPL. AND MAT.  1386  SUBGRANTEE SERV      100   GA      100    JA    DDDC  OFC OF CONTRLR             26,342            26,342

                                                           ****** TOTAL OBJECT CLASS:     20          151,342           151,342

30 ENGY. BLDG RENT  APPR  APPROPRIATION                      100    JA    DDDC  OFC OF CONTRLR             76,000            76,000

40 OTHER SERV CHGS  APPR  APPROPRIATION                      100    JA    DDDC  OFC OF CONTRLR             84,000            84,000
40 OTHER SERV CHGS  1386  SUBGRANTEE SERV      100   GA      100    JA    DDDC  OFC OF CONTRLR                  0               700

                                                           ****** TOTAL OBJECT CLASS:     40           84,000            84,700

70 EQUIP AND RENTL  APPR  APPROPRIATION                      100    JA    DDDC  OFC OF CONTRLR             30,000            30,000

                                                     ***** TOTAL RESPONSIBILITY CENTER:  YSRH       2,605,342         2,890,758




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                                                                                          REPORT PAGE:        543
RUN DATE:  08/03/89                        DISTRICT OF COLUMBIA                            REPORT ID:  [illegible]
RUN TIME:  08:44:30                                                                           SYSTEM:  FMS
                               MODIFICATIONS TO ALLOCATION OF REVENUE
                              BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                           AS OF 08/01/89
                                      BUDGET FISCAL YEAR:  1989

                  FUND:   100  GENERAL FUND
                AGENCY:    JA  DEPT OF HUMAN SERVICES                           MANAGER:  DAVID RIVERS
        CONTROL CENTER:    YS  YOUTH SERVICES ADMINISTRATION                    MANAGER:  PATRICIA [illegible]
 RESPONSIBILITY CENTER:  YSYC  COMMUNITY CARE SERVICES DIV                      MANAGER:  CURTIS [illegible]

                                           INTRA-DIST                                                  REVENUE ALLOCATIONS
                                             BUYER         RESPONSIBLE ORGANIZATION           ------------------------------------
                                          -----------  ---------------------------------------    ORIGINAL          CURRENT
    OBJECT CLASS          REVENUE SOURCE  FUND/AGENCY  FUND  AGENCY  RESPONSIBILITY CENTER         AMOUNT            AMOUNT
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11 CONT. FULL TIME  IDCR  IND CST RECOVER               100    JA    [illegible]  OFC OF CONTRLR       25,488                1

14 FRINGES - CURR   IDCR  IND CST RECOVER               100    JA    [illegible]  OFC OF CONTRLR        3,972                1

                                                  ***** TOTAL RESPONSIBILITY CENTER:  YSYC          29,460                2
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RUN DATE:  08/02/85                     DISTRICT OF COLUMBIA                                         REPORT PAGE:       544
RUN TIME:  06:44:20                                                                                    REPORT ID:  RRPBU290
                                                                                                          SYSTEM:  FMS
                              MODIFICATIONS TO ALLOCATION OF REVENUE
                            BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                          AS OF 08/01/85
                                    BUDGET FISCAL YEAR:  1985

                    FUND:   100  GENERAL FUND
                  AGENCY:    JA  DEPT OF HUMAN SERVICES
          CONTROL CENTER:    YS  YOUTH SERVICES ADMINISTRATION                     MANAGER:  DAVID RIVERS
   RESPONSIBILITY CENTER:  YSYS  YOUTH SERVICES ADMN                               MANAGER:  PATRICIA QUINN
                                                                                   MANAGER:  PATRICIA QUINN

                                               INTRA-DIST                                                     REVENUE ALLOCATIONS
                                                 BUYER             RESPONSIBLE ORGANIZATION          ---------------------------------
                                              -----------   ---------------------------------------     ORIGINAL           CURRENT
   OBJECT CLASS          REVENUE SOURCE       FUND/AGENCY   FUND  AGENCY  RESPONSIBILITY CENTER          AMOUNT             AMOUNT
------------------   ----------------------   -----------   ----  ------  ---------------------     -------------      -------------
11 CONT. FULL TIME   APPR  APPROPRIATION                     100    JA    OOOC  OFC OF CONTRLR            504,000            504,000
11 CONT. FULL TIME   SSA8  SSBG ADMIN COST                   100    JA    OOOC  OFC OF CONTRLR            115,500            115,500

                                                                 ****** TOTAL OBJECT CLASS:     11        619,500            619,500

12 REG PAY - OTHER   SSC4  SSBG SOC SVC BL                   100    JA    OOOC  OFC OF CONTRLR             12,636             12,636

13 ADDNL GROSS PAY   SSA8  SSBG ADMIN COST                   100    JA    OOOC  OFC OF CONTRLR              4,000              4,000

14 FRINGES - CURR    APPR  APPROPRIATION                     100    JA    OOOC  OFC OF CONTRLR             45,000             45,000
14 FRINGES - CURR    SSA8  SSBG ADMIN COST                   100    JA    OOOC  OFC OF CONTRLR             11,500             11,500
14 FRINGES - CURR    SSC4  SSBG SOC SVC BL                   100    JA    OOOC  OFC OF CONTRLR              1,384              1,384

                                                                 ****** TOTAL OBJECT CLASS:     14         57,884             57,884

20 SUPPL. AND MAT.   APPR  APPROPRIATION                     100    JA    OOOC  OFC OF CONTRLR             10,000             10,000
20 SUPPL. AND MAT.   SSC4  SSBG SOC SVC BL                   100    JA    OOOC  OFC OF CONTRLR             10,000             10,000

                                                                 ****** TOTAL OBJECT CLASS:     20         20,000             20,000

30 ENGY, BLDG RENT   APPR  APPROPRIATION                     100    JA    OOOC  OFC OF CONTRLR            173,000            173,000

40 OTHER SERV CHGS   APPR  APPROPRIATION                     100    JA    OOOC  OFC OF CONTRLR            283,000            283,000

50 SUBSID. & TRANS   SSC4  SSBG SOC SVC BL                   100    JA    OOOC  OFC OF CONTRLR             35,000             35,000

70 EQUIP AND RENTL   APPR  APPROPRIATION                     100    JA    OOOC  OFC OF CONTRLR             12,000             12,000
70 EQUIP AND RENTL   SSC4  SSBG SOC SVC BL                   100    JA    OOOC  OFC OF CONTRLR             41,000             41,000

                                                                 ****** TOTAL OBJECT CLASS:     70         53,000             53,000

                                                    ***** TOTAL RESPONSIBILITY CENTER:  YSYS            1,349,000          1,349,000

                                                                **** TOTAL CONTROL CENTER:  YS         21,016,134         22,132,308

                                                                        *** TOTAL AGENCY:  JA         685,916,080        698,490,086


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RUN DATE:  08/01/85                     DISTRICT OF COLUMBIA                                   REPORT PAGE:        003
RUN TIME:  06:44:30                                                                              REPORT ID:  RRP0U280
                                MODIFICATIONS TO ALLOCATION OF REVENUE                              SYSTEM:  FMS
                              BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                          AS OF 08/01/85
                                     BUDGET FISCAL YEAR:  1985

                 FUND:    808  STORES FUND FOR DHS
               AGENCY:     JA  DEPT OF HUMAN SERVICES                                   MANAGER:  DAVID RIVERS
       CONTROL CENTER:     DD  OFFICE OF THE DIRECTOR-DHS                               MANAGER:  DAVID RIVERS
RESPONSIBILITY CENTER:   DDDA  OFFICE OF ADMINISTRATION                                 MANAGER:  GRADY WILLIAMS

                                             INTRA-DIST                                                  REVENUE ALLOCATIONS
                                               BUYER             RESPONSIBLE ORGANIZATION          -----------------------------
                                            -----------   --------------------------------------     ORIGINAL         CURRENT
   OBJECT CLASS          REVENUE SOURCE     FUND/AGENCY   FUND  AGENCY  RESPONSIBILITY CENTER         AMOUNT           AMOUNT
------------------   --------------------   -----------   ----  ------  ---------------------      -------------   -------------
20 SUPPL. AND MAT.   4001  MISC. BILLINGS    100    JA    808     JA    DDDA  OFC OF ADMN              3,009,898       2,138,449

                                                   ***** TOTAL RESPONSIBILITY CENTER:  DDDA            3,009,898       2,138,449

                                                            **** TOTAL CONTROL CENTER:   DD            3,009,898       2,138,449

                                                                    *** TOTAL AGENCY:    JA            3,009,898       2,138,449

                                                                       ** TOTAL FUND:   808            3,009,898       2,138,449
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                                                                                              REPORT PAGE:      453
RUN DATE:  10/03/85                   DISTRICT OF COLUMBIA                                    REPORT ID:  ARPBU390
RUN TIME:  01:33:17                                                                           SYSTEM:  FMS
                               MODIFICATIONS TO ALLOCATION OF REVENUE
                             BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                          AS OF 10/02/85
                                      BUDGET FISCAL YEAR:  1986

                     FUND:   100   GENERAL FUND
                   AGENCY:   JA    DEPT OF HUMAN SERVICES                        MANAGER:  DAVID RIVERS
           CONTROL CENTER:   YS    YOUTH SERVICES ADMINISTRATION                 MANAGER:  PATRICIA QUANN
    RESPONSIBILITY CENTER:   YSAD  ALTERNATIVE DETENTION                         MANAGER:  CURTIS MOORE

                                           INTRA-DIST                                                      REVENUE ALLOCATIONS
                                              BUYER          RESPONSIBLE ORGANIZATION                  ORIGINAL          CURRENT
   OBJECT CLASS          REVENUE SOURCE    FUND/AGENCY   FUND   AGENCY   RESPONSIBILITY CENTER           AMOUNT           AMOUNT

11 CONT. FULL TIME     APPR  APPROPRIATION               100     JA     DOOC  OFC OF CONTRLR            620,000          620,000
11 CONT. FULL TIME     SSGA  SSBG SOC SVC BL             100     JA     DOOC  OFC OF CONTRLR            581,200          581,200

                                                   ****** TOTAL OBJECT CLASS:     11              1,201,200        1,201,200

13 ADDNL GROSS PAY     APPR  APPROPRIATION               100     JA     DOOC  OFC OF CONTRLR             23,000           23,000
13 ADDNL GROSS PAY     SSGA  SSBG SOC SVC BL             100     JA     DOOC  OFC OF CONTRLR             11,100           11,100

                                                   ****** TOTAL OBJECT CLASS:     13                 34,100           34,100

14 FRINGES - CURR      APPR  APPROPRIATION               100     JA     DOOC  OFC OF CONTRLR             56,000           56,000
14 FRINGES - CURR      SSGA  SSBG SOC SVC BL             100     JA     DOOC  OFC OF CONTRLR             58,100           58,100

                                                   ****** TOTAL OBJECT CLASS:     14                114,100          114,100

20 SUPPL. AND MAT.     APPR  APPROPRIATION               100     JA     DOOC  OFC OF CONTRLR             45,000           45,000

30 ENGY, BLDG RENT     APPR  APPROPRIATION               100     JA     DOOC  OFC OF CONTRLR                  1                1

40 OTHER SERV CHGS     APPR  APPROPRIATION               100     JA     DOOC  OFC OF CONTRLR             16,000           16,000

50 SUBSID. & TRANS     APPR  APPROPRIATION               100     JA     DOOC  OFC OF CONTRLR          2,876,000        2,876,000

70 EQUIP AND RENTL     APPR  APPROPRIATION               100     JA     DOOC  OFC OF CONTRLR             10,000           10,000

                                          ***** TOTAL RESPONSIBILITY CENTER:  YSAD                4,296,401        4,296,401

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                                                                                                   REPORT PAGE:      454
RUN DATE:  10/03/85                         DISTRICT OF COLUMBIA                                    REPORT ID:  RKPBU39W
RUN TIME:  01:33:17                                                                                    SYSTEM:  FMS
                                   MODIFICATIONS TO ALLOCATION OF REVENUE
                                 BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                              AS OF 10/02/85
                                         BUDGET FISCAL YEAR:  1986

                   FUND:   100  GENERAL FUND                                           MANAGER:  DAVID RIVERS
                 AGENCY:    JA  DEPT OF HUMAN SERVICES                                 MANAGER:  PATRICIA QUANN
         CONTROL CENTER:    YS  YOUTH SERVICES ADMINISTRATION                          MANAGER:  RANDALL MOORE
  RESPONSIBILITY CENTER:  YSCS  COMMUNITY SERVICES

                                                 INTRA-DIST                                              REVENUE ALLOCATIONS
                                                   BUYER           RESPONSIBLE ORGANIZATION          ---------------------------
                                                -----------   ---------------------------------      ORIGINAL         CURRENT
     OBJECT CLASS            REVENUE SOURCE     FUND/AGENCY   FUND  AGENCY  RESPONSIBILITY CENTER     AMOUNT           AMOUNT
  ------------------   ---------------------    -----------   ----  ------  ---------------------   ------------    ------------
  11 CONT. FULL TIME   APPR   APPROPRIATION                   100     JA    DOOC   OFC OF CONTRLR      2,049,000       2,049,000

  13 ADDNL GROSS PAY   APPR   APPROPRIATION                   100     JA    DOOC   OFC OF CONTRLR         63,000          63,000

  14 FRINGES - CURR    APPR   APPROPRIATION                   100     JA    DOOC   OFC OF CONTRLR        181,000         181,000

  20 SUPPL. AND MAT.   APPR   APPROPRIATION                   100     JA    DOOC   OFC OF CONTRLR         47,000          47,000

  30 ENGY, BLDG RENT   APPR   APPROPRIATION                   100     JA    DOOC   OFC OF CONTRLR        159,000         159,000

  40 OTHER SERV CHGS   APPR   APPROPRIATION                   100     JA    DOOC   OFC OF CONTRLR        136,000         136,000

  50 SUBSID. & TRANS   APPR   APPROPRIATION                   100     JA    DOOC   OFC OF CONTRLR      3,084,000       3,084,000

  70 EQUIP AND RENTL   APPR   APPROPRIATION                   100     JA    DOOC   OFC OF CONTRLR          9,000           9,000

                                                    ***** TOTAL RESPONSIBILITY CENTER:  YSCS       5,728,000       5,728,000
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RUN DATE:  10/03/85                  DISTRICT OF COLUMBIA                          REPORT PAGE:        455
RUN TIME:  01:33:17                                                                  REPORT ID:  RRPMU390
                              MODIFICATIONS TO ALLOCATION OF REVENUE                  SYSTEM:  FMS
                            BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                          AS OF 10/02/85
                                    BUDGET FISCAL YEAR:  1986

                    FUND:   100  GENERAL FUND
                  AGENCY:    JA  DEPT OF HUMAN SERVICES
          CONTROL CENTER:    YS  YOUTH SERVICES ADMINISTRATION          MANAGER:  DAVID RIVERS
   RESPONSIBILITY CENTER:  YSOH  OAK HILL                               MANAGER:  PATRICIA QUANN
                                                                        MANAGER:  RAYFORD MYERS

                                           INTRA-DIST                                                       REVENUE ALLOCATIONS
                                             BUYER          RESPONSIBLE ORGANIZATION              ----------------------------------
     OBJECT CLASS        REVENUE SOURCE   ------------  ------------------------------------------   ORIGINAL            CURRENT
  -----------------  ---------------------  FUND/AGENCY  FUND  AGENCY  RESPONSIBILITY CENTER           AMOUNT              AMOUNT
                                          ------------  ----  ------  ----------------------------  --------------   ---------------
  11 CONT. FULL TIME  APPR  APPROPRIATION                 100    JA    DOOC  OFC OF CONTRLR             5,929,000         5,929,000
  12 REG PAY - OTHER  APPR  APPROPRIATION                 100    JA    DOOC  OFC OF CONTRLR               142,000           142,000
  13 ADDNL GROSS PAY  APPR  APPROPRIATION                 100    JA    DOOC  OFC OF CONTRLR               310,000           310,000
  14 FRINGES - CURR   APPR  APPROPRIATION                 100    JA    DOOC  OFC OF CONTRLR               598,000           598,000
  20 SUPPL. AND MAT.  APPR  APPROPRIATION                 100    JA    DOOC  OFC OF CONTRLR               336,000           336,000
  30 ENGY, BLDG RENT  APPR  APPROPRIATION                 100    JA    DOOC  OFC OF CONTRLR               563,999           563,999
  40 OTHER SERV CHGS  APPR  APPROPRIATION                 100    JA    DOOC  OFC OF CONTRLR                74,000            74,000
  70 EQUIP AND RENTL  APPR  APPROPRIATION                 100    JA    DOOC  OFC OF CONTRLR                54,000            54,000
                                                   ***** TOTAL RESPONSIBILITY CENTER:  YSOH        8,006,999         8,006,999
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RUN DATE: 10/03/85
RUN TIME: 01:33:17

REPORT ID: RRPBU390
SYSTEM: FMS

DISTRICT OF COLUMBIA

MODIFICATIONS TO ALLOCATION OF REVENUE
BY RESPONSIBILITY CENTER AND OBJECT CLASS
AS OF 10/02/85
BUDGET FISCAL YEAR: 1986

FUND: 100 GENERAL FUND
AGENCY: JA DEPT OF HUMAN SERVICES — MANAGER: DAVID RIVERS
CONTROL CENTER: YS YOUTH SERVICES ADMINSTRATION — MANAGER: PATRICIA QUANN
RESPONSIBILITY CENTER: YSRH RECEIVING HOME — MANAGER: JULIA SCOTT

OBJECT CLASS	REVENUE SOURCE	INTRA-DIST BUYER FUND/AGENCY	RESPONSIBLE ORGANIZATION FUND	RESPONSIBLE ORGANIZATION AGENCY	RESPONSIBLE ORGANIZATION RESPONSIBILITY CENTER	REVENUE ALLOCATIONS ORIGINAL AMOUNT	REVENUE ALLOCATIONS CURRENT AMOUNT
11 CONT. FULL TIME	APPR APPROPRIATION		100	JA	DOOC OFC OF CONTRLR	1,865,000	1,865,000
11 CONT. FULL TIME	IDCR IND CST RECOVER		100	JA	DOOC OFC OF CONTRLR	36,687	36,687
			****** TOTAL OBJECT CLASS:		11	1,901,687	1,901,687
12 REG PAY - OTHER	APPR APPROPRIATION		100	JA	DOOC OFC OF CONTRLR	65,000	65,000
13 ADDNL GROSS PAY	APPR APPROPRIATION		100	JA	DOOC OFC OF CONTRLR	155,000	155,000
14 FRINGES - CURR	APPR APPROPRIATION		100	JA	DOOC OFC OF CONTRLR	191,000	191,000
14 FRINGES - CURR	IDCR IND CST RECOVER		100	JA	DOOC OFC OF CONTRLR	4,125	4,125
			****** TOTAL OBJECT CLASS:		14	195,125	195,125
20 SUPPL. AND MAT.	APPR APPROPRIATION		100	JA	DOOC OFC OF CONTRLR	132,000	132,000
30 ENGY, BLDG RENT	APPR APPROPRIATION		100	JA	DOOC OFC OF CONTRLR	78,000	78,000
40 OTHER SERV CHGS	APPR APPROPRIATION		100	JA	DOOC OFC OF CONTRLR	57,000	57,000
70 EQUIP AND RENTL	APPR APPROPRIATION		100	JA	DOOC OFC OF CONTRLR	32,000	32,000
			***** TOTAL RESPONSIBILITY CENTER:		YSRH	2,615,812	2,615,812

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  RUN DATE:  10/03/85                               DISTRICT OF COLUMBIA                                              REPORT PAGE:       457
  RUN TIME:  01:33:17                                                                                                  REPORT ID:  RRPBU390
                                                                                                                          SYSTEM:  FMS
                                           MODIFICATIONS TO ALLOCATION OF REVENUE
                                          BY RESPONSIBILITY CENTER AND OBJECT CLASS
                                                      AS OF 10/02/85
                                                  BUDGET FISCAL YEAR:  1986

                          FUND:    100   GENERAL FUND
                        AGENCY:     JA   DEPT OF HUMAN SERVICES                                               MANAGER:  DAVID RIVERS
                CONTROL CENTER:     YS   YOUTH SERVICES ADMINISTRATION                                        MANAGER:  PATRICIA QUANN
         RESPONSIBILITY CENTER:   YSYS   YOUTH SERVICES ADMN                                                  MANAGER:  PATRICIA QUANN

                                                       INTRA-DIST                                                          REVENUE ALLOCATIONS
                                                         BUYER           RESPONSIBLE ORGANIZATION                  ---------------------------------
                                                      ------------   -------------------------------------------      ORIGINAL           CURRENT
     OBJECT CLASS             REVENUE SOURCE           FUND/AGENCY    FUND  AGENCY  RESPONSIBILITY CENTER              AMOUNT             AMOUNT
  -----------------     ---------------------------   ------------   ----  ------  ----------------------------    ------------      ------------
  11 CONT. FULL TIME     APPR  APPROPRIATION                           100    JA     DOOC   OFC OF CONTRLR               536,000           536,000
  11 CONT. FULL TIME     SSA6  SSBG ADMIN COST                         100    JA     DOOC   OFC OF CONTRLR               115,319           115,319

                                                                            ****** TOTAL OBJECT CLASS:    11             651,319           651,319

  13 ADDNL GROSS PAY     SSA6  SSBG ADMIN COST                         100    JA     DOOC   OFC OF CONTRLR                 4,000             4,000

  14 FRINGES - CURR      APPR  APPROPRIATION                           100    JA     DOOC   OFC OF CONTRLR                47,000            47,000
  14 FRINGES - CURR      SSA6  SSBG ADMIN COST                         100    JA     DOOC   OFC OF CONTRLR                11,532            11,532

                                                                            ****** TOTAL OBJECT CLASS:    14              58,532            58,532

  20 SUPPL. AND MAT.     APPR  APPROPRIATION            -              100    JA     DOOC   OFC OF CONTRLR                11,000            11,000

  30 ENGY, BLDG RENT     APPR  APPROPRIATION                           100    JA     DOOC   OFC OF CONTRLR               186,000           186,000

  40 OTHER SERV CHGS     APPR  APPROPRIATION                           100    JA     DOOC   OFC OF CONTRLR               375,000           375,000
  40 OTHER SERV CHGS     SSA3  SSBG ADMIN COST                         100    JA     DOOC   OFC OF CONTRLR                18,080            18,080

                                                                            ****** TOTAL OBJECT CLASS:    40             393,080           393,080

  70 EQUIP AND RENTL     APPR  APPROPRIATION                           100    JA     DOOC   OFC OF CONTRLR                13,000            13,000

                                                                ***** TOTAL RESPONSIBILITY CENTER:  YSYS           1,316,931         1,316,931

                                                                           **** TOTAL CONTROL CENTER:    YS          21,964,143        21,964,143

                                                                                   *** TOTAL AGENCY:    JA         790,506,117       790,506,117


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Mr. Hobson. Thank you.

Mr. McKinney. Who's next?

Mr. Hobson. Madeleine Will, Assistant Secretary.

Mr. McKinney. Madeleine Will, I guess, is our next witness.

Mr. Hobson. Madeleine Will, Assistant Secretary, Office of Special Education and Rehabilitative Services, U.S. Department of Education.

Ms. Will, on behalf of the chairman, Mr. Fauntroy, I want to thank you for appearing before the subcommittee.

He had to go to the floor of the House. And we expect him back momentarily. But we would appreciate it if you would go ahead with your testimony.

STATEMENT OF MADELEINE WILL, ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, U.S. DEPARTMENT OF EDUCATION

Ms. Will. All right.

Thank you for the opportunity to appear before the subcommittee to discuss the role of the Department in monitoring federally funded education programs for handicapped children which are administered by the District of Columbia.

The District of Columbia participates in two such programs—part B of the Education of the Handicapped Act, and the special program for handicapped children under chapter 1 of the Education Consolidation and Improvement Act of 1981.

The part B program is sometimes referred to as the Public Law 94-142 program. The chapter 1 program is more commonly referred to as the Public Law 89-313 program. Both are formula grant programs. The part B program provides funds to the District to provide a free, appropriate public education to all handicapped children and youth. The Public Law 89-313 program provides funds to the District to improve services to handicapped children in State-operated programs.

The formula grants provided under the EHA are administered by the Department of Education through my office. The Public Law 89-313 program is administered in cooperation with the Office of Elementary and Secondary Education.

For both of these programs, the District of Columbia is considered to be a State for administrative purposes. The District functions as both a State education agency, an SEA, and a local education agency, an LEA.

Under both Federal programs, the status of an individual as an adjudicated youth is incidental to the requirements imposed by the acts in question. The requirements of the acts are triggered by the individual's status as handicapped, and those requirements pertain regardless of any further imposition of status established through adjudication.

Under part B of the Education of the Handicapped Act and the General Education Provisions Act, Congress has defined a discrete State education role. State educational agencies are required to carry out properly a variety of administrative responsibilities established by these statutes.

These SEA responsibilities are designed to ensure that educational programs for the handicapped within the State fully comply with all the Federal and State requirements which define and guarantee the provision of a free, appropriate public education. These same statutes also impose upon the Federal Government monitoring responsibilities designed to ensure that SEA's are properly carrying out their responsibilities.

As a result of our continuing efforts to ensure the effectiveness of our monitoring system, Special Education Programs has recently undertaken a major effort to improve our monitoring system and capability. The redesigned system is quickly becoming operational and has as its major features procedures designed to ensure State agency compliance with all statutory and regulatory requirements and State plan provisions. Identify and correct deficiencies in the implementation of Federal requirements by SEA's. Provide technical assistance to States to ensure that State policies and procedures for the provision of special education and related services to handicapped students comply with Federal requirements. And recommend improvement of State administration of Federal requirements.

As designed, SEP compliance monitoring activities emphasize the ongoing collection, review, and analysis of information to ensure full implementation of Federal requirements at the State and local level.

The compliance monitoring system emphasizes structured interaction with each SEA and is focused on annual performance reports and data review, State plan review and approval, comprehensive compliance review, followup verification, and specific compliance review.

Since the enactment of the EHA, Special Education Programs has conducted three comprehensive monitoring reviews in the D.C. public schools. The most recent visit was in February-March 1983, prior to our recent efforts to improve the OSERS monitoring system.

As a result of this most recent onsite compliance review, OSERS found that D.C. public schools exercises its general supervisory authority, in part, by monitoring programs for handicapped children which are operated by other agencies.

However, Special Education Programs found that D.C. public schools do not ensure that these programs meet all educational standards set by DCPS. Specifically, Special Education Programs found, one, that teachers in other agencies did not meet the certification standards of DCPS. Two, that procedural safeguards, including provisions for the appointment of surrogate parents, were not available to handicapped students at Lorton. And, three, that DCPS standards for determining eligibility for special education services were not used in other agency programs.

We believe that this will be supported by the GAO findings.

The Department's monitoring and enforcement position is that no internal policy, mode of operation, or requirement of the District government may conflict with or be a barrier to fulfilling the legal requirements of the EHA or Public Law 89-313.

Although the D.C. Department of Corrections is autonomous and has its own set of standards with which to comply, these standards may not be inconsistent with the requirements of the programs which we administer.

As a result of the difficulties with general supervision which were raised during the site visit, as well as problems in other areas, a followup site visit was conducted in June 1984. This followup visit provided additional information necessary to clarify a number of continuing issues, and the program review letter was transmitted to the D.C. public schools in October 1984.

After several requests for further information and followup letters, the D.C. public schools submitted a voluntary implementation plan on August 19, 1985. The voluntary implementation plan includes the D.C. public schools' response to the general supervision difficulties with the department of corrections which were revealed by the onsite monitoring visit.

Although special education programs has not yet completed an analysis of the voluntary implementation plan, it is our belief that to be acceptable the plan must reflect the successful resolution of all general supervision issues with the department of corrections. We are reviewing the plan on this basis.

General supervision, especially over other State agencies, frequently has been found to have been a problem in SEP, Special Education Program, onsite compliance reviews. Often, the State educational agency is found not to have enforced EHA requirements.

Section 612(6) of the EHA provides that the SEA must be the agency responsible for ensuring that the requirements of the act are carried out, and that all educational programs for handicapped children within a State, including programs administered by other public agencies, are under the general supervision of the SEA and meet the education standards of the SEA.

In the case of the District of Columbia, the SEA is the D.C. public schools.

Although significant progress has been made in implementing the requirements of the act, the area of general supervision, which is closely tied to the broader problems of interagency cooperation, has been a persistent problem of national scope since the act took effect.

For example, the Seventh Annual Report to Congress on the Implementation of the Education of the Handicapped Act, published in January 1985, reported the frequency of noncompliance with various EHA requirements identified in the program reviews conducted during 1984. The area of greatest concern indicated in the report is general supervision, which was cited in 76 percent of the States monitored during 1984.

As documented by this report, the issue of general supervision is not a localized issue specific to the District, but a problem of national scope. Because of this, general supervision is one area to which our monitoring system is now giving special attention in all monitoring visits.

The Department is aware of the compliance problems which exist in the District of Columbia. Support services and technical assistance are available to the District from the regional resource centers and other SEP assistance and support activities.

I believe that the combination of our monitoring activities, program development efforts, and technical assistance can greatly assist the District in moving into compliance with the Federal laws governing the education of handicapped youth.

I'll be pleased to answer any questions you might have.

[The prepared statement of Ms. Will follows:]

STATEMENT OF

MADELEINE C. WILL

ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND
REHABILITATIVE SERVICES

U.S. DEPARTMENT OF EDUCATION

BEFORE THE

HOUSE DISTRICT COMMITTEE
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

SEPTEMBER 10, 1985

Thank you for the opportunity to appear before the Subcommittee to discuss the role of the Department in monitoring Federally funded education programs for handicapped children which are administered by the District of Columbia. The District of Columbia participates in two such programs: Part B of the Education of the Handicapped Act (EHA); and the special program for handicapped children under Chapter 1 of the Education Consolidation and Improvement Act of 1981. The Part B program is sometimes referred to as the P.L. 94-142 program. The Chapter 1 program is more commonly referred to as the P.L. 89-313 program. Both are formula grant programs. The Part B program provides funds to the District to provide a free appropriate public education to all handicapped children and youth. The P.L. 89-313 program provides funds to the District to improve services to handicapped children in State-operated programs.

The formula grants provided under the EHA are administered by the Department of Education through my office. The P.L. 89-313 program is administered in cooperation with the Office of Elementary and Secondary Education. For both of these programs, the District of Columbia is considered to be a State for administrative purposes. The District functions as both a State education agency (SEA) and a local education agency (LEA).

Under both Federal programs, the status of an individual as an adjudicated youth is incidental to the requirements imposed by the Acts in question. The requirements of the Acts are triggered by the individual's status as handicapped, and those requirements pertain regardless of any further imposition of status established through adjudication.

Federal Monitoring System

Under Part B of the Education of the Handicapped Act and the General Education Provisions Act, Congress has defined a discrete State education role. State educational agencies (SEAs) are required to carry out properly a variety of administrative responsibilities established by these statutes. These SEA responsibilities are designed to ensure that educational programs for the handicapped within the State fully comply with all the Federal and State requirements which define and guarantee the provision of a free appropriate public education. These same statutes also impose upon the Federal government monitoring responsibilities designed to ensure that SEAs are properly carrying out their responsibilities.

As a result of our continuing efforts to ensure the effectiveness of our monitoring system, Special Education Programs (SEP) has recently undertaken a major effort to improve our monitoring system and capability. The redesigned system is quickly becoming operational and has as its major features procedures designed to:

- Ensure State agency compliance with all statutory and regulatory requirements and State Plan provisions;
- Identify and correct deficiencies in the implementation of Federal requirements by SEAs;
- Provide technical assistance to States to ensure that State policies and procedures for the provision of special education and related services to handicapped students comply with Federal requirements; and
- Recommend improvement of State administration of Federal requirements.

As designed, SEP compliance monitoring activities emphasize the on-going collection, review, and analysis of information to ensure full implementation of Federal requirements at the State and local level. The compliance monitoring system emphasizes structured interaction with each SEA and is focused on:

- Annual Performance Reports and Data Review;
- State Plan Review and Approval;
- Comprehensive Compliance Review;
- Follow-up Verification; and
- Specific Compliance Review.

Monitoring and Technical Assistance in the District of Columbia

Since the enactment of the EHA, SEP has conducted three comprehensive monitoring reviews in the District of Columbia Public Schools (DCPS). The most recent visit was in February - March, 1983, prior to our recent efforts to improve the OSERS monitoring system. As a result of this most recent on-site compliance review, OSERS found that DCPS exercises its general supervisory authority in part by monitoring programs for handicapped children which are operated by other agencies. However, SEP found that DCPS does not ensure that these programs meet all educational standards set by DCPS. Specifically, SEP found: (1) that teachers in other agencies did not meet the certification standards of DCPS; (2) that procedural safeguards, including provisions for the appointment of surrogate parents, were not available to handicapped students at Lorton; and (3) that DCPS standards for determining eligibility for special education services were not used in other agency programs. We believe that this will be supported by the GAO findings.

The Department's monitoring and enforcement position is that no internal policy, mode of operation, or requirement of the District government may conflict with, or be a barrier to, fulfilling the legal requirements of the EHA or P.L. 89-313. Although the District of Columbia Department of Corrections is autonomous and has its own set of standards with which to comply, these standards may not be inconsistent with the requirements of the programs which we administer.

As a result of the difficulties with general supervision which were raised during the site visit, as well as problems in other areas, a follow-up site visit was conducted in June, 1984. This follow-up visit provided additional information necessary to clarify a number of continuing issues, and the Program Review letter was transmitted to the DCPS in October, 1984. After several requests for further information and follow-up letters, the DCPS submitted a Voluntary Implementation Plan (VIP) on August 19, 1985.

This VIP includes the DCPS response to the general supervision difficulties with the Department of Corrections which were revealed by the on-site monitoring visit. Although SEP has not yet completed an analysis of the VIP, it is our belief that to be acceptable, the VIP must reflect the successful resolution of all general supervision issues with the Department of Corrections. We are reviewing the VIP on this basis.

General Supervision

General supervision, especially over other State agencies, frequently has been found to have been a problem in SEP on-site compliance reviews. Often the State educational agency is found not to have enforced EHA requirements.

Section 612(6) of the EHA provides (1) that the SEA must be the agency responsible for ensuring that the requirements of the Act are carried out, and (2) that all educational programs for handicapped children within a State, including programs administered by other public agencies, are under the general supervision of the SEA and meet the education standards of the SEA. (In the case of the District of Columbia the SEA is DCPS).

Although significant progress has been made in implementing the requirements of the Act, the area of general supervision -which is closely tied to the broader problems of interagency cooperation-- has been a persistent problem of national scope since the Act took effect. For example, the Seventh Annual Report to Congress on the Implementation of the Education of the Handicapped Act, published in January, 1985, reported the frequency of noncompliance with various EHA requirements identified in the Program Reviews conducted during the 1984. The area of greatest concern indicated in the Report is General Supervision, which was cited in 76 percent of the States monitored during 1984. As documented by this Report, the issue of general supervision is not a localized issue specific to the District, but a problem of national scope. Because of this, General Supervision is one area to which our monitoring system is now giving special attention in all monitoring visits.

Future Activities with the District

The Department is aware of the compliance problems which exist in the District of Columbia. Support services and technical assistance are available to the District of Columbia from the Regional Resource Centers and other SEP assistance and support activities.

I believe that the combination of our monitoring activities, program development efforts, and technical assistance can greatly assist the District in moving into compliance with the Federal laws governing the education of handicapped youth.

I would be pleased to answer any questions.

Mr. McKINNEY. Thank you very much, Ms. Will.

We are—we appreciate your coming up here and testifying. And I particularly appreciate your stated willingness to help the city straighten out this tremendous problem.

Are any written reports completed as part of the monitoring report? And if regular reports were done, are they made available to the city, and is the city required to respond to those reports?

Ms. WILL. Yes. There, since the original site visit, there have been an exchange of documents. Most recently, as I mentioned, the District submitted a voluntary implementation plan, which our staff is now reviewing.

Mr. McKINNEY. Would it be possible for—I believe—for you to have this—copies to be sent to this committee for the record?

Ms. WILL. Yes, certainly. We would be delighted to do that.

Mr. McKINNEY. Are the special ed programs and diagnostic efforts by DHS and youth services monitored when you monitor the public schools?

Ms. WILL. Yes. We, through our offsite analysis of data and through our onsite visits, examine the performance of a school system with respect to the requirements of EHA. And there are many requirements with which a school system is complying.

[The following information was subsequently submitted by Madeleine Will:]

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 29 1985

Honorable Stewart B. McKinney
U.S. House of Representatives
Committee on the District of Columbia
Room 1310, Longworth House Office Building
Washington, D.C. 20515

Dear Mr. McKinney:

During a recent hearing concerning the District of Columbia Public Schools (DCPS), you requested a copy of the Department of Education monitoring report of DCPS conducted by Special Education Programs (SEP). Enclosed is the most recent monitoring report of DCPS. Information concerning special education programs conducted at various residential institutions such as the juvenile detention centers, St. Elizabeth's Hospital and D.C. Village is included under the heading of "General Supervision". Since SEP monitoring includes such facilities only as an indication of how DCPS meets its responsibilities under Part B of the Education of the Handicapped Act, more specific information is not available.

If I can provide you with additional information or any further assistance, please let me know.

Sincerely,

Madeleine Will
Madeleine Will
Assistant Secretary

Enclosure

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 24 1984

SPECIAL EDUCATION
PROGRAMS

Honorable Floretta D. McKenzie
Superintendent of Schools
Public Schools of the District of Columbia
Presidential Building
415 12th Street, N.W., 12th Floor
Washington, D.C. 20004

Dear Superintendent McKenzie:

This Program Review Letter (PRL) will provide you and your special education staff with the results of the review conducted by the Office of Special Education Programs (OSEP), U.S. Department of Education.

This review was administered in three distinct phases:

1. OSEP conducted an analysis of all materials maintained within the Office of Special Education Programs which pertain to the District of Columbia Public Schools' (DCPS) implementation of Part B of the Education of the Handicapped Act (EHA-B). (The substance of this review was incorporated into the pre-monitoring document entitled "Results of Initial Screening of District of Columbia". This document was submitted to your agency in December, 1982.);

2. During the week of February 28 - March 4, 1983, OSEP team members (Dr. Thomasine Hardy, team leader) conducted an on-site monitoring visit to the DCPS Department of Education, three DCPS regional education centers, the Child Study Center, five district-wide programs, two facilities operated by the Department of Human Services, one facility operated by the Department of Corrections, and the Rose School, a facility operated jointly by the Department of Human Resources and DCPS;

3. OSEP performed an analysis of all available data collected before and during the on-site visit, as well as information obtained after on-site monitoring activities.

As indicated during the on-site visit, OSEP's current monitoring procedures provide for ongoing discussions with DCPS staff prior to the development of this PRL. Please note that this option was exercised by our respective staffs. Furthermore, the documentation (i.e., State statute and regulations, program policies, State monitoring reports, etc.) on which the findings in this letter are based, has been carefully reviewed to ensure the accuracy of our conclusions.

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

Prior to addressing the specific findings resulting from the program review, I would like to extend the sincere appreciation of the monitoring team members to the DCPS staff. The District of Columbia special education staff was extraordinarily helpful in assisting the Federal monitoring team in conducting all on-site activities. We were particularly impressed with the DCPS staff's professional and honest approach in addressing program issues. The assistance provided by the special education staff during the preparation for and conduct of the on-site portions of the program review was exemplary. Please extend our gratitude to your very capable staff.

The OSEP team members spent considerable time at the offices of the DCPS Department of Education. However, in addition to visiting the DCPS, OSEP staff reviewed the programs and procedures at the following: Mamie D. Lee School, Tyler Vision Center, Lorton Youth Center, Forest Haven, the Child Study Center, Rose School, Prospect School, Ft. Lincoln School, the Developmental Services Center, the Mt. Pleasant Preparatory Program, and the administrative offices and selected school sites in DCPS Regions A, B and C. On Tuesday afternoon, March 1, 1983, the OSEP monitoring team convened a public meeting to afford advocates and professionals the opportunity to participate in the monitoring process. The session was attended by parents, as well as representatives of the State Advisory Panel, advocacy and professional organizations, and the public schools.

On Friday morning, March 4, 1983, the OSEP monitoring team met with the Assistant Superintendent for the Division of Special Education (Dr. Doris Woodson), the Director of the Department of Special Education (Dr. David Burket), and representatives of the Department of Human Services, the Department of Corrections, and the DCPS to review and discuss the observations and findings which evolved from the on-site component of the program review. The issues addressed during this exit conference serve as the basis for the program commendations and findings detailed in this letter.

When reviewing the findings, the following should be noted. Since both statutory and regulatory standards were cited previously in the initial screening document submitted to the State in December, 1982, these standards are not extensively reviewed in the following analysis. However, if a more technical analysis from a statutory or regulatory standpoint is required, OSEP will provide it upon request.

Specific issues are structured and discussed under two headings:

A. Commendations: State practices which are especially effective and innovative in the implementation of Part B of the Education of the Handicapped Act (EHA-B) are discussed under this heading. OSEP recognizes that the areas noted are not all-inclusive, but uses this approach as a way of indicating some areas in which State practices have been particularly successful. OSEP wishes to encourage the continuation of State effort in these areas.

B. Findings: In this section, OSEP identifies specific findings regarding the implementation of EHA-B in the State. Information about how a State should respond to these findings is presented in the final section of this letter.

A. Commendations:

Although numerous noteworthy activities are being carried out by the DCPS, the OSEP team members were particularly impressed with the following State practices:

1. Complaint Management System. During the on-site visit, OSEP reviewed the manner in which DCPS receives and tracks complaints of a violation of law or regulation. The OSEP team commends DCPS on having developed a system that very clearly and precisely documents every action from receipt to resolution of a complaint.

2. Preschool Multilingual Efforts. OSEP observed that DCPS is involved in seeking innovative ways to communicate with the parents of preschool handicapped children in order that these children can receive initial services as quickly as possible. OSEP commends DCPS on its staff development efforts to assist staff in this regard. OSEP noted that staff members have received extensive training in working with parents to screen non-English speaking preschool handicapped children.

B. Findings:

The matters described below are findings of State policies and practices which are inconsistent with Federal requirements. These issues must be addressed in the State's Voluntary Implementation Plan (VIP). Until these issues are resolved by DCPS, the State is not in compliance with the cited provisions of Part B of the Education of the Handicapped Act (EHA-B) and applicable regulations.

1. General Supervision of District Agencies. Section 612(6) of the Act identifies three criteria for the establishment of general supervision. They are (1) that the DCPS be the responsible agency for assuring that the requirements of the Act are carried out; (2) that all educational programs for handicapped children within the State including those programs administered by any other State or local agency are under the general supervision of those persons in the DCPS responsible for educational programs for handicapped children; and (3) that these programs meet the educational standards of the DCPS.

   Based upon the review of all available data provided by DCPS and data collected during the on-site review, OSEP found that under the "Memorandum of Agreement (October, 1978) Between the Mayor and Board of Education" DCPS is responsible for exercising general supervision over all educational programs for handicapped children in the District. OSEP also found that DCPS exercises its general supervisory authority in part by monitoring programs for handicapped children which are operated by other agencies. However, OSEP found that DCPS does not ensure that these programs meet all educational standards set by the DCPS. Specifically, OSEP found: (1) that teachers in other agencies did not meet the certification standards of DCPS, (2) that procedural safeguards, including provisions for the appointment of surrogate parents, were not available to handicapped students at Lorton, and (3) that DCPS standards for determining eligibility for special education services were not used in other agency programs.

2. Least Restrictive Environment (LRE). Under 34 CFR 300.550(b)(2), public agencies must ensure that "special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." During the on-site review, OSEP found that handicapped students in certain categories were placed according to the availability of services and that the degree to which a handicapped child was integrated into the regular school environment varied on the basis of the child's age. OSEP found that placement decisions for specific learning disabled, trainable mentally retarded, visually handicapped, and orthopedically handicapped students were determined on the basis of the type of handicap and/or the age of the child.

   One means for correcting the cited deficiencies in meeting the LRE reqirements under Section 300.550(b)(2) is the implementation of technical assistance and training efforts, as required by Section 300.555 of the EHA-B regulations. This Section provides that:

   > Each State educational agency shall carry out activities to insure that teachers and administrators in all public agencies:
   >
   > (a) Are fully informed about responsibilities for implementing §300.550, and
   >
   > (b) Are provided with technical assistance and training necessary to assist them in this effort.

3. Complaint Management System. In addition to establishing a due process system under EHA-B, the Education Department General Administrative Regulations (EDGAR), at 34 CFR 76.780 and 76.781, require each State to adopt written procedures to receive and resolve complaints that an agency is violating applicable Federal statutes or regulations. According to Section 76.781(a)(2), "A State shall include the following in its complaint procedures: (a) A time limit of 60 calendar days after the State receives a complaint . . . to resolve the complaint." According to Section 76.781(c), the State's procedures must also include the right to request the Secretary of Education to review the State's final decision.

   The Superintendent's Directive Number 500.1 entitled "Implementation of the Comprehensive Complaints Process", at Page 5, item VI, states: "Within thirty days . . . decisions concerning resolution of complaints may be appealed to the Chief State School Officer. The Chief State School Officer's decision may be appealed by the complainant within twenty (20) days to the United States Secretary of Education." OSEP finds that the appeal procedures of DCPS are inconsistent with Federal requirements.

   We have two concerns with the DCPS complaint procedures: (1) the 20 day limit for requesting review of the State's decision by the Secretary of the U.S. Department of Education is inconsistent with EDGAR, Section 76.781(c), which does not include a time limit on filing such requests; and (2) Directive Number 500.1 does not require the resolution of a complaint within 60 calendar days. Information concerning how and when DCPS will correct its procedures for implementing complaint procedures must be submitted to OSEP. OSEP also must receive a copy of the revised procedures developed by DCPS.

The next step in the monitoring process is for the State to either formally accept the findings or request additional clarification on any of the items. If the DCPS chooses the latter option, we request that you contact Thomasine Hardy immediately. Furthermore, should you require a more detailed or technical explanation of any of the requirements that have been addressed in this letter, we would be more than willing to provide it.

If the DCPS elects to accept the findings, then the next step is the submission of a Voluntary Implementation Plan (VIP) by the State. The plan should be submitted to this office within forty-five (45) days of receipt of this letter and, at a minimum, should include the following: (1) the specific actions to be taken by the DCPS for each finding; (2) the DCPS' timetable for completing each of these actions; (3) a description of the information to be submitted to OSEP to document the completion of each major activity; and (4) if appropriate, any legal barriers which the State may be required to overcome in order to implement its VIP.

Please be advised that our staff is available for technical assistance during any phase of the development of your Voluntary Implementation Plan.

If you have any questions regarding the information presented, please do not hesitate to contact Dr. Thomasine Hardy at (202) 732-1043.

Sincerely,

Wendy Cullar

Wendy M. Cullar
Director
Office of Special Education
Programs

cc: Dr. Doris Woodson

Mr. **McKinney**. In 1984, the Department of Education found that D.C. public school standards were not being used by other District agencies.

Shouldn't all the agencies be using the same standards to evaluate and to determine whether, in fact, students are handicapped?

Ms. **Will**. I'm not sure if they should be using the same standards. But it is the case that we are finding inconsistencies. And the agency to which we would like the standard to come from would be the education agency.

Mr. **McKinney**. I was going to say inconsistency is the humor of the day. In essence, we have one agency, with one set of criteria, saying the kid's handicapped, another one saying the kid isn't handicapped, and another one doesn't even know the kid exists.

Ms. **Will**. Well, it is very clear from the statute that the education agency has a responsibility for the children who are handicapped and requiring special education and the process, the criterion for determining that status is——

Mr. **McKinney**. Just what I hoped you'd say. In other words, the D.C. public school system, which is what we call their agency, is, under the public law, to administer, responsible for setting the standards for determining whether or not someone is handicapped, determining how they should be treated and how they should be determined.

Ms. **Will**. Yes.

Mr. **McKinney**. Is there a similar problem in any other State that you know of where they have this question of, well, I can't do that because it's another governmental agency's responsibility?

Mr. **McKinney**. Would you suggest——

Ms. **Will**. It's a problem in many States.

Mr. **McKinney**. So, would you suggest that Congress do something to change that, to make it rather self-explanatory?

Ms. **Will**. I think that would certainly be a great assistance. We tried, through an emphasis in our monitoring on this particular requirement, to get States to look at their interagency agreements, which often have no statutory authority or enforcement options for the education agency.

So that in a number of States we have actually seen legislation pass to make clear that the State education agency has the responsibility and, therefore, the adequate enforcement options available to it to bring other agencies into——

Mr. **McKinney**. The government from the town of New Canaan, CT, with 300 people and 6,000 cows, to the Federal level is filled with intergovernmental agency meetings. But nobody wants to take the—it's my responsibility at the end. And it seems to me that's what we're dealing with here. It's more of a move in either direction.

I really appreciate your comment.

I would just simply state that it's my understanding that the District of Columbia is getting $3.8 million from the Department of Education in this area, and, yet, the District is obviously not in compliance. So, I would hope that your area would use what is commonly referred to as muscle to make sure that they come into compliance.

Counsel, do you have any questions?

Mr. **Hobson**. No.

Mr. **McKinney**. I would like to make—our next witness is Jane—and I'm going to mess up the name—Yohalem.

Would you come to the table, please?

And I hate to sound—you have been waiting so patiently. I've seen you there listening. And, if you can, in fact, paraphrase, your entire statement will be put in the record.

The near and dear friend, I think, for years, Ms. Shackleton is here from the city council. And there's probably been no individual in Washington that is more interested in education and particularly the environmentally disadvantaged youth of this city. And it's delightful to have her as a guest.

I would also like to state, for the record, that GAO will continue to act for this committee in monitoring the future actions of the different agencies involved to report to this committee, and that I have informed Ms. Shackleton that I will keep her informed of anything that this committee determines.

Now, we have testimony from Jane Bloom Yohalem—I did it again—Mental Health Law project.

We're delighted. You are from the Mental Health Law project. Could you tell me who the Mental Health Law project is associated with?

STATEMENT OF JANE YOHALEM, STAFF ATTORNEY, MENTAL HEALTH LAW PROJECT

Ms. **Yohalem**. The project is a not-for-profit, public interest organization that's largely privately funded, both by foundations and by individuals. We also do receive some funding from the Legal Services Corporation to provide technical assistance and backup to lawyers around the country, Legal Services lawyers working to represent handicapped people, especially those who are either mentally ill or developmentally disabled.

Mr. **McKinney**. Thank you very much. That helps to set the record straight.

Ms. **Yohalem**. OK. I've been asked to provide the subcommittee with a brief review of the history of the law governing education for handicapped children in the District. And I know that the subcommittee's primary interest is on educational services for handicapped delinquents, and I'll try to focus particularly on those issues in this history that will relate most directly to these children.

Going back quite a few years to 1970, in the District, as in most cities and States throughout the country, many handicapped children were being routinely excluded from school or inappropriately placed.

In the District, few special programs were run for children in the custody of the D.C. Department of Human Services. Children committed to Junior Village, at that time, to Forest Haven, to St. Elizabeths Hospital, and to other institutional settings often received no education whatsoever.

Handicapped children confined to the District's juvenile delinquency facilities often would participate in the minimal regulation education that was provided to all children in the facilities, but received no special services designed to meet their special needs.

In 1970, *Mills* v. *the Board of Education of the District of Columbia* was filed in Federal court, here, challenging the admitted failure of the District government to provide publicly supported education and training to handicapped children residing in the District, that included children in public schools as well as children in the DHS run facilities.

Under pressure from that court case in the Federal court involvement, the District actually became one of the very first cities in the country to develop standards for the education of handicapped children and due process procedures to guarantee enforcement of those rights to an appropriate education.

In fact, the *Mills* decree became one of the precursors which the Congress looked to in developing the model for Public Law 94-142.

The *Mills* decree guarantees that each child of school age had a free and suitable publicly supported education regardless of the degree of the child's mental, physical, or emotional disability or impairments, and certainly regardless of whether they're in the custody of the D.C. Department of Human Services or whether they're living at home.

The decree also requires the District to submit to the court a comprehensive plan for identification, notification, assessment, and placement of handicapped children, and provided extensive due process procedures.

In many ways, the *Mills* decree is very, very similar to Public Law 94-142. And on many of the issues that the subcommittee is concerned with, Public Law 94-142 and its regulations actually provide a greater degree of specificity.

Several of the original *Mills* plaintiffs were children who were confined in D.C. facilities under the control of the D.C. Department of Human Services. And the issue of coordination between the D.C. Department of Human Services and the board of education, which has been a primary issue here today, first surfaced in the very early days of this litigation.

In its 1972 opinion, the court noted that the lack of communication and cooperation between the board of education and other government agencies shall not be permitted to deprive plaintiffs and their class of publicly supported education. The court mandated coordination within the District government and designated the board of education as the lead agency charged with returning to the court, if necessary, to seek help from the court in resolving interagency disputes.

Mr. McKINNEY. That's very interesting. And in what year was that?

Ms. YOHALEM. That was the original——

Mr. McKINNEY. The original.

Ms. YOHALEM. 1972.

Mr. McKINNEY. So, in other words, the court charged the board of education with total responsibility, and said to come back to them if, in fact, they could not get intergovernmental cooperation.

And, yet, today, we heard that, in fact, there is still a jurisdictional——

Ms. YOHALEM. Uh-huh.

Mr. McKINNEY [continuing]. Dispute, 14 years later.

Ms. **Yohalem**. Yes. And, as you might have predicted, based on that, the intervening years since 1972 have seen many returns to court to attempt to get enforcement of this provision.

Mr. **McKinney**. Well, let me assure you that is one of the reasons why I made the statement that within 90 days to 120 days we will be looking at this again. Because it suddenly seems like everybody is going to comply with everybody.

Ms. **Yohalem**. Again, on this issue of coordination, as well as on the other issues that I have mentioned with the *Mills* decree, probably the 13 years since the 1972 court order have been far from smooth. There have been returns to court, repeated findings by the court that handicapped children were still not receiving an appropriate education in the District.

The court has, each time, turned to the District and asked them to plan to do better. When that didn't work, twice in the history of the last 13 years, the court has held the board of education, the D.C. Department of Human Services, and the Mayor in deliberate and continuing violation of its orders in *Mills* and held in contempt of court. And, in fact, one of those findings of contempt is still outstanding and has not been lifted.

Mr. **McKinney**. That was in 1980?

Ms. **Yohalem**. Yes.

Mr. **McKinney**. I think that's the one you should have put in, I think. I know you're summarizing it.

"The defendants have shown an amazing lack of concern, indifference to the plaintiffs and other members of the class."

Ms. **Yohalem**. Yes. That's a quote from the judge's contempt finding in 1980.

The D.C. Department of Human Services and the board of education were shown, at that same time, to have failed to coordinate the provision of services to children in DHS custody, instead playing off one agency against the other. They were shown to have hidden behind budget problems, attempting to explain away inefficient and inequitable use of existing resources.

Mr. **McKinney**. Could I? I'd like to interrupt you again there just to say the—I know that Dr. McKenzie mentioned budgetary problems. But I think it probably should show on the record that the District of Columbia spent an average of over $4,000 per year educating children. And that is about what a lot of private schools charge.

Ms. **Yohalem**. They were shown to have created a bureaucratic maze so impenetrable that many parents were driven away before obtaining needed services for their children. And they were shown to have failed to bring to the court their problems with the implementation of the *Mills* decree, choosing instead simply to ignore the court's order.

Testimony submitted to the court on which these findings were based revealed that hundreds of handicapped children in District institutions, including those at Cedar Knoll and Oak Hill, continued to be denied appropriate educational services.

Moreover, the court found that these children were not being provided representation by a surrogate parent or advocate to assist them in obtaining special education services, nor were any due-process procedures in place so that the denial of appropriate services could be challenged and remedied.

Both Public Law 94-142 and the *Mills* court-ordered plan require that either the parents of a child be actively involved or for handicapped children whose parents are not available a special representative, a so-called surrogate parent, be appointed to assist them in obtaining special education services.

Such appointment is essential since the due-process procedures in both *Mills* and Public Law 94-142 depend upon the involvement of a concerned adult. Without the involvement of an adult capable of presenting the child's interests, the process simply breaks down.

The court found, in its 1980 opinion, that no viable due-process procedures existed at Cedar Knoll and Oak Hill and that no surrogate parent program was in place.

And I would like to add to GAO's recommendations that these two problems be addressed by the board of education.

Since 1980, court involvement has been sporadic. The District has not returned to court to introduce evidence justifying the lifting of the outstanding 1980 contempt citation.

The most recent issue brought to the court's attention involved the adequacy of revised board of education rules governing special education, which were promulgated in June 1983.

The plaintiff claimed, regarding those rules, that the board had failed to clarify the many issues raised, over the years, about services and due process procedures for handicapped delinquents.

Moreover, the rules of DHS and the board of education clarified any rules.

Unfortunately, failure to resolve the interagency buck passing, which has occurred throughout the history of the *Mills* litigation, results in neglect of some of the most needy of the District's school-aged handicapped population, as you have heard today.

I'd just like to conclude by thanking the subcommittee for this opportunity to appear today. And I'd be happy to answer any questions you have.

[The prepared statement of Ms. Yohalem, along with attachments, follows:]

Testimony of Jane Bloom Yohalem
Mental Health Law Project
Subcommittee on Fiscal Affairs and Health
Committee on the District of Columbia
U.S. House of Representatives
September 10, 1985

My name is Jane Bloom Yohalem and I am a staff attorney at the Mental Health Law Project. I am appearing today at the request of the Subcommittee. The Mental Health Law Project (MHLP) is a not-for-profit public interest organization that represents mentally ill and developmentally disabled persons and those so labeled. The Project is primarily funded through foundation grants and individual contributions. It is also a support center for the Legal Services Corporation working with legal services attorneys on problems affecting their mentally disabled clients. The Project, since 1970, has represented school-age children in the District as counsel in Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (D.D.C. 1972). The Project also has been actively involved on a nationwide basis in working on legal issues affecting the right of handicapped children to a free appropriate public education. On behalf of the Project, I appreciate this opportunity to appear before the Subcommittee today.

I have been asked to provide the subcommittee with a brief review of the history of the laws governing education for handicapped children in the District. I know that the

Subcommittee's primary interest at this time is on educational services for children confined in D.C.'s juvenile detention facilities at Cedar Knoll and Oak Hill, and thus, I will focus in particular on the issues which relate most directly to these children.

In the District of Columbia in 1970, as in most cities and states throughout the country, many handicapped children were routinely excluded from any schooling whatsoever. Indeed, when the Congress first began to address the issue of education for handicapped children in the late 1960's, they found that two-thirds of this country's handicapped children were totally excluded from school or were sitting idly in regular classrooms, not receiving services to meet their needs.

Moreover, few special programs were run in the District for children in the custody of the Department of Human Services. Children committed to Junior Village, to Forest Haven, to St. Elizabeths Hospital and to other institutional settings often received no education whatsoever. Handicapped children confined to the District's juvenile delinquency facilities often participated in the minimal regular education program available there, but received no special services designed to meet their special needs.

In 1970, Mills v. Board of Education of the District of Columbia was filed in federal court challenging the admitted failure of the District government to provide publicly supported education and training to handicapped children residing in the District. The District, under pressure from the federal court, became one of the first cities in the country to develop both standards for the education of handicapped children and due process procedures to guarantee enforcement of these children's rights to an appropriate education. In fact, the Mills or Waddy decree, as it is sometimes called (after the late Judge Joseph Waddy) was one of the precursors upon which the Education for All Handicapped Children Act of 1975 (PL 94-142) was modeled.

The Mills decree guarantees:

> Each child of school age a free and suitable publicly-supported education regardless of the degree of the child's mental, physical or emotional disability or impairments.

348 F. Supp. 866, 878.

Moreover, the decree prohibits the District from denying any child appropriate educational services based on a claim of insufficient resources. The decree also requires the District to submit to the Court a comprehensive plan for identification, notification, assessment and placement of handicapped children and provides extensive due process procedures to enable parents and children to challenge an inadequate placement or failure to provide services.

Several of the original Mills plaintiffs were children confined in D.C. facilities under the control of the D.C. Department of Human Services. In fact, the issue of the coordination needed between the Department of Human Services (then the Department of Human Resources) and the Board of Education, to adequately serve these children, first surfaced in the early days of the litigation. In its 1972 opinion in Mills, the Court specifically noted that "The lack of communication and cooperation between the Board of Education and [other government agencies] shall not be permitted to deprive plaintiffs and their class of publicly supported education." 348 F. Supp. 866, 877. The Court mandated coordination within the District government and designated the Board of Education as the lead agency, charged with returning to Court, if necessary, to seek help in resolving interagency disputes.

Unfortunately, the history of the enforcement of the *Mills* standards in the 13 years since the 1972 Court order has been far from smooth. It has been punctuated by repeated returns to court, and by repeated federal court findings that handicapped children were continuing to receive inappropriate nd inadequate special education services. Each time such findings have been made, the Court has turned to the District and asked them to try again to develop and implement a plan for achieving compliance.

Each time, several abortive attempts have been necessary before defendants have formulated a plan acceptable to the Court. Each time the District has failed to implement their own plan. Twice the Court has found the Board of Education, the Department of Human Services and the Mayor in deliberate and continuing violation of the provisions of its orders in *Mills* and has held them in contempt of court.*/

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*/ As early as December 20, 1971, this court ordered defendants to submit a plan. After granting defendants additional time, the Court found on March 24, 1972 that defendants had not only failed to submit a plan "but were also continuing in their violation of the provisions of the Court's order of December 20, 1971." 348 F. Supp. at 863. Only after the Court granted plaintiffs' motion for summary judgment did the defendants finally come forward with any plan at all. A year later, in December 1973, it was necessary to plaintiffs to move for supplemental relief and contempt of court. The issues raised were resolved, with the Court's encouragement, through stipulations of the parties. (Continued on the next page.)

The most recent contempt finding was issued in June of 1980. The court found that defendants had shown, "an amazing lack of concern and indifference to the plaintiffs and other members of the class." June 18, 1980 Memorandum Order at 8. The Department of Human Services and the Board of Education were shown to have failed to coordinate the provision of services to children in DHS custody, instead playing one agency off the other. They were shown to have hidden behind budget problems, attempting to explain away inefficient and inequitable use of existing resources. They were shown to have created a bureaucratic maze so impenetrable that many parents were driven away before obtaining needed services for their children. And they were shown to have failed to bring to the court their problems with implementation of the Mills decree, choosing instead simply to ignore the court's order.

Testimony submitted to the court on which the findings of contempt were based revealed that hundreds of handicapped children in District institutions, including those at Cedar Knoll and Oak Hill, continued to be denied appropriate educational services. Moreover, the court found that these children were not

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(Continued from previous page.)

In March 1975, defendants were again in violation of the decree and were held in contempt. After defendants once again failed to come forward with an adequate plan, the Court appointed a special master with the sole function of investigating and reporting on compliance problems faced by the school system. The Court then ordered defendants to develop a new plan for compliance which would deal with the violations noted in the report. Two plans prepared by defendants were rejected by the Court before a third was finally adopted in May 1977.

Defendants attempted to implement that plan for more than three years. Once again, their continuing violations necessitated resort to the Court. On June 18, 1980 the Court again held defendants in contempt.

being provided representation by a surrogate parent or advocate to assist them in obtaining special education services, nor were any due process procedures in place so that the denial of appropriate special education services could be challenged and remedied. Both PL 94-142 and the Mills court-ordered plan requires that handicapped children whose parents are unavailable have a special representative -- a so-called "surrogate parent" -- appointed to assist them in obtaining special education services. Such appointment is essential since the due process procedures of both Mills and PL 94-142 depend upon the involvement of a concerned parent. Without the involvement of an adult capable of presenting the child's interests, the process breaks down completely. The Court found in its 1980 opinion that no viable due process procedures existed at Cedar Knoll and Oak Hill and that no surrogate parent program was in place.

Since 1980, Court involvement has been sporadic. The District has not returned to court to introduce evidence justifying the lifting of the outstanding 1980 contempt citation. The last issue to be brought to the Court's attention involved the adequacy of revised Board of Education rules governing special education, promulgated on June 17, 1983.

Despite the long history of inadequate services in DHS-run institutions and confusion about who is responsible, the Board rules fail to make any mention whatsoever of children in the care and custody of the Department of Human Services. No procedures are included for coordination between the public school system and DHS. No mention is made of any agreement for the provision of appropriate special education services to these children, nor is there mention of an agreement regarding procedural protections for children in penal facilities, hospitals or other institutions run by DHS. Similarly, although the term surrogate parent is used once or twice in the new regulations, it is not defined. No section of the regulation extends the rights of parents to persons acting as surrogate parents, nor is provision made for the appointment or training of surrogate parents. The response of the Board of Education to the court's questions about the notable absence of these provisions, was to claim that all jurisdiction over these issues resides with DHS. Based on past history, it is likely that DHS, if asked, would fix responsibility on the the Board of Education. Unfortunately, failure to resolve such interagency buck-passing results in neglect of some of the most needy of the District's school-aged handicapped population.

In conclusion, I would like to thank the Committee once again for this opportunity to present our views.

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Peter MILLS et al., Plaintiffs,

v.

BOARD OF EDUCATION OF the DISTRICT OF COLUMBIA et al., Defendants.

Civ. A. No. 1939-71.

United States District Court, District of Columbia.

Aug. 1, 1972.

Action brought on behalf of seven children of school age by their next friends for declaration of rights and for injunction restraining Board of Education of District of Columbia, and others from excluding children from District of Columbia public schools or denying them publicly supported education. The District Court, Waddy, J., held that District of Columbia Board of Education by failing to provide the children who had been labeled as behavioral problems, mentally retarded, emotionally disturbed or hyperactive, and the class they represented with publicly supported specialized education violated controlling statutes and Board's own regulations and denied due process.

Judgment accordingly.

1. Schools and School Districts ⇨148

Board of Education of District of Columbia has obligation to provide whatever specialized instruction that will benefit child determined to have behavioral problems, to be mentally retarded, or to be emotionally disturbed or hyperactive. D.C.C.E. §§ 31-101 et seq., 31-103, 31-201, 31-203, 31-207, 31-208.

2. Schools and School Districts ⇨148

District of Columbia Board of Education by failing to provide children, who had been labeled as behavioral problems, mentally retarded, emotionally disturbed or hyperactive, and the class they represented with publicly supported specialized education violated controlling statutes and Board's own regulations. D.C.C.E. §§ 31-101 et seq., 31-103, 31-201, 31-203, 31-207, 31-208.

3. Constitutional Law ⇨228(2)

Conduct of District of Columbia Board of Education in denying children, who had been labeled as behavioral problems, mentally retarded, emotionally disturbed or hyperactive, and their class all publicly supported education while providing such education to other children violated due process clause. U.S.C.A. Const. Amend. 5; D.C.C.E. §§ 31-101 et seq., 31-103, 31-201, 31-203, 31-207, 31-208.

4. Constitutional Law ⇨318(2)

Due process of law required a hearing before children, who had been labeled behavioral problems, mentally retarded, emotionally disturbed or hyperactive, were suspended or expelled from regular schooling in public supported schools or reassigned for specialized instruction. U.S.C.A.Const. Amend. 5; D.C.C.E. §§ 31-101 et seq., 31-103, 31-201, 31-203, 31-207, 31-208.

5. Schools and School Districts ⇨148

Failure of Board of Education of District of Columbia to provide publicly supported education for "exceptional" children by including and retaining them in public school system or otherwise providing them with publicly supported education and failure to afford them hearing and periodical review could not be excused by claim that there were insufficient funds. U.S.C.A.Const.Amend. 5; D.C.C.E. §§ 31-101 et seq., 31-103, 31-201, 31-203, 31-207, 31-208.

6. Constitutional Law ⇨68

Constitutional rights must be afforded citizens despite the greater expense involved. U.S.C.A.Const. Amend. 5.

7. Schools and School Districts ⇨148

If sufficient funds were not available to finance all of services and programs that were needed and desirable in public school system, then available funds must be expended equitably in such manner that no child was entirely excluded from publicly supported education consistent with his needs and ability to benefit therefrom. D.C.C.E. §§ 31-101 et seq., 31-103, 31-201, 31-203, 31-207, 31-208.

8. Schools and School Districts ⇨11

Inadequacies of District of Columbia public school system, whether occasioned by insufficient funding or administrative inefficiency, could not be permitted to bear more heavily on the "exceptional" or handicapped child than on the normal child. D.C.C.E. §§ 31-101 et seq., 31-103, 31-201, 31-203, 31-207, 31-208.

9. Schools and School Districts ⇨148

Board of Education of District of Columbia had responsibility for implementation of judgment and decree of court requiring that publicly supported education be provided for exceptional and handicapped children. D.C.C.E. §§ 31-101 et seq., 31-103, 31-201, 31-203, 31-207, 31-208.

10. Schools and School Districts ⇨148

No child eligible for publicly supported education in District of Columbia public schools shall be excluded from a regular public school assignment by a rule, policy or practice of Board of Education of District of Columbia or its agents unless child is provided adequate alternative educational services suited to child's needs, which may include special education or tuition grants, and a constitutionally adequate prior hearing, and periodic review of child's status, progrees, and adequacy of any educational alternative. D.C.C.E. §§ 31-101 et seq., 31-103, 31-201, 31-203, 31-207, 31-208.

Julian Tepper and Stanley Herr, NLADA, National Law Office, Patricia M. Wald, Washington, D. C., and Paul R. Dimond, Cambridge, Mass., for plaintiffs.

C. Francis Murphy, Corp. Counsel, D. C., John A. Earnest, and Stephan Shane Stark, Asst. Corp. Counsels, Washington, D. C., for defendants.

Ralph Wolff and G. Dan Bowling, Washington, D. C., for defendant Charles I. Cassell.

John M. Newsome, Washington, D. C., Sp. Counsel for defendant John L. Johnson.

MEMORANDUM OPINION, JUDGMENT AND DECREE

WADDY, District Judge.

This is a civil action brought on behalf of seven children of school age by their next friends in which they seek a declaration of rights and to enjoin the defendants from excluding them from the District of Columbia Public Schools and/or denying them publicly supported education and to compel the defendants to provide them with immediate and adequate education and educational facilities in the public schools or alternative placement at public expense. They also seek additional and ancillary relief to effectuate the primary relief. They allege that although they can profit from an education either in regular classrooms with supportive services or in special classes adopted to their needs, they have been labelled as behavioral problems, mentally retarded, emotionally disturbed or hyperactive, and denied admission to the public schools or excluded therefrom after admission, with no provision for alternative educational placement or periodic review. The action was certified as a class action under Rule 23(b)(1) and (2) of Federal Rules of Civil Procedure by order of the Court dated December 17, 1971.

The defendants are the Board of Education of the District of Columbia and its members, the Superintendent of Schools for the District of Columbia and subordinate school officials, the Commissioner of the District of Columbia and certain subordinate officials and the District of Columbia.

THE PROBLEM

The genesis of this case is found (1) in the failure of the District of Columbia to provide publicly supported education and training to plaintiffs and other "exceptional" children, members of their class, and (2) the excluding, suspending, expelling, reassigning and transferring of "exceptional" children from regular public school classes without affording them due process of law.

The problem of providing special education for "exceptional" children (mentally retarded, emotionally disturbed, physically handicapped, hyperactive and other children with behavioral problems) is one of major proportions in the District of Columbia. The precise number of such children cannot be stated because the District has continuously failed to comply with Section 31-208 of the District of Columbia Code which requires a census of all children aged 3 to 18 in the District to be taken. Plaintiffs estimate that there are ". . . 22,000 retarded, emotionally disturbed, blind, deaf, and speech or learning disabled children, and perhaps as many as 18,000 of these children are not being furnished with programs of specialized education." According to data prepared by the Board of Education, Division of Planning, Research and Evaluation, the District of Columbia provides publicly supported special education programs of various descriptions to at least 3880 school age children.[1] However, in a

1971 report to the Department of Health, Education and Welfare, the District of Columbia Public Schools admitted that an estimated 12,340 handicapped children were not to be served in the 1971-72 school year.[2]

Each of the minor plaintiffs in this case qualifies as an "exceptional" child.

Plaintiffs allege in their complaint and defendants admit as follows:

> "PETER MILLS is twelve years old, black, and a committed dependent ward of the District of Columbia resident at Junior Village. He was excluded from the Brent Elementary School on March 23, 1971, at which time he was in the fourth grade. Peter allegedly was a 'behavior problem' and was recommended and approved for exclusion by the principal. Defendants have not provided him with a full hearing or with a timely and adequate review of his status. Furthermore, Defendants have failed to provide for his reenrollment in the District of Columbia Public Schools or enrollment in private school. On information and belief, numerous other dependent children of school attendance age at Junior Village are denied a publicly-supported education. Peter remains excluded from any publicly-supported education.
>
> "DUANE BLACKSHEARE is thirteen years old, black, resident at Saint Elizabeth's Hospital, Washington, D. C., and a dependent committed child. He was excluded from the Giddings Elementary School in October, 1967, at which time he was in the third grade. Duane allegedly was a "behavior problem." Defendants have not provided him with a full hearing or with a timely and adequate review of his status. Despite repeated efforts by his mother, Duane remained largely excluded from all publicly-supported education until February, 1971. Education experts at the Child Study Center examined Duane and found him to be capable of returning to regular class if supportive services were provided. Following several articles in the Washington Post and Washington Star, Duane was placed in a regular seventh grade classroom on a two-hour a day basis without any catch-up assistance and without an evaluation or diagnostic interview of any kind. Duane has remained on a waiting list for a tuition grant and is now excluded from all publicly-supported education.
>
> "GEORGE LIDDELL, JR., is eight years old, black, resident with his mother, Daisy Liddell, at 601 Morton Street, N. W., Washington, D. C., and an AFDC recipient. George has never attended public school because of the denial of his application to the Maury Elementary School on the ground that he required a special class. George allegedly was retarded. Defendants have not provided him with a full hearing or with a timely and adequate review of his status. George remains excluded from all publicly-supported education, despite a medical opinion that he is capable of profiting from schooling, and despite his mother's efforts to secure a tuition grant from Defendants.
>
> "STEVEN GASTON is eight years old, black, resident with his mother, Ina Gaston, at 714 9th Street, N. E., Washington, D. C. and unable to afford private instruction. He has been excluded from the Taylor Elementary School since September, 1969, at which time he was in the first grade. Steven allegedly was slightly brain-damaged and hyperactive, and was excluded because he wandered around the classroom. Defendants have not provided him with a full hearing or with a timely and adequate review of his status. Steven was accepted in the Contemporary School, a private

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[1] See the following reports compiled by the District of Columbia Board of Education, Division of Planning, Research and Evaluation: (1) Regularly Funded Special Education Programs in the District of Columbia Public Schools, 1970-71; (2) ESEA Title III Federal Programs of Special Education in the District of Columbia Public Schools, 1970-71; (3) Membership: Special Education Programs and Services, 1970-71: Non Public School Resources.

[2] See report entitled "Description of Projected Activities for Fiscal Year 1972 for the Education of Handicapped Children," March 15, 1971.

school, provided that tuition was paid in full in advance. Despite the efforts of his parents, Steven has remained on a waiting list for the requisite tuition grant from Defendant school system and excluded from all publicly-supported education.

"MICHAEL WILLIAMS is sixteen years old, black, resident at Saint Elizabeth's Hospital, Washington, D. C., and unable to afford private instruction. Michael is epileptic and allegedly slightly retarded. He has been excluded from the Sharpe Health School since October, 1969, at which time he was temporarily hospitalized. Thereafter Michael was excluded from school because of health problems and school absences. Defendants have not provided him with a full hearing or with a timely and adequate review of his status. Despite his mother's efforts, and his attending physician's medical opinion that he could attend school, Michael has remained on a waiting list for a tuition grant and excluded from all publicly-supported education.

"JANICE KING is thirteen years old, black, resident with her father, Andrew King, at 233 Anacostia Avenue, N. E., Washington, D. C., and unable to afford private instruction. She has been denied access to public schools since reaching compulsory school attendance age, as a result of the rejection of her application, based on the lack of an appropriate educational program. Janice is brain-damaged and retarded, with right hemiplegia, resulting from a childhood illness. Defendants have not provided her with a full hearing or with a timely and adequate review of her status. Despite repeated efforts by her parents, Janice has been excluded from all publicly-supported education.

"JEROME JAMES is twelve years old, black, resident with his mother, Mary James, at 2512 Ontario Avenue, N. W., Washington, D. C., and an AFDC recipient. Jerome is a retarded child and has been totally excluded from public school. Defendants have not given him a full hearing or a timely and adequate review of his status. Despite his mother's efforts to secure either public school placement or a tuition grant, Jerome has remained on a waiting list for a tuition grant and excluded from all publicly supported education."[3]

Although all of the named minor plaintiffs are identified as Negroes the class they represent is not limited by their race. They sue on behalf of and represent all other District of Columbia residents of school age who are eligible for a free public education and who have been, or may be, excluded from such education or otherwise deprived by defendants of access to publicly supported education.

Minor plaintiffs are poor and without financial means to obtain private instruction. There has been no determination that they may not benefit from specialized instruction adapted to their needs. Prior to the beginning of the 1971–72 school year minor plaintiffs, through their representatives, sought to obtain publicly supported education and certain of them were assured by the school authorities that they would be placed in programs of publicly supported education and certain others would be recommended for special tuition grants at private schools. However, none of the plaintiff children were placed for the 1971 Fall term and they continued to be entirely excluded from all publicly supported education. After thus trying unsuccessfully to obtain relief from the Board of Education the plaintiffs filed this action on September 24, 1971.

THERE IS NO GENUINE ISSUE OF MATERIAL FACT

Congress has decreed a system of publicly supported education for the children of the District of Columbia.[4] The Board of Education has the responsibility of administering that system in accordance with law and of providing such publicly supported education to all of the children of the District, including these "exceptional" children.[5]

Defendants have admitted in these proceedings that they are under an affirmative duty to provide plaintiffs and their class with publicly supported education suited to each child's needs, including special education and tuition grants, and also, a constitutionally adequate prior hearing and periodic review. They have also admitted that they failed to supply plaintiffs with such publicly supported education and have failed to afford them adequate prior hearing and periodic review. On December 20, 1971 the plaintiffs and defendants agreed to and the Court signed an interim stipulation and order which provided in part as follows:

> "Upon consent and stipulation of the parties, it is hereby ORDERED that:
>
> "1. Defendants shall provide plaintiffs Peter Mills, Duane Blacksheare, Steven Gaston and Michael Williams with a publicly-supported education suited to their (plaintiffs') needs by January 3, 1972.
>
> "2. Defendants shall provide counsel for plaintiffs, by January 3, 1972, a list showing, for every child of school age then known not to be attending a publicly-supported educational program because of suspension, expulsion, exclusion, or any other denial of placement, the name of the child's parent or guardian, the child's name, age, address and telephone number, the date of his suspension, expulsion, exclusion or denial of placement and, without attributing a particular characteristic to any specific child, a breakdown of such list, showing the alleged causal characteristics for such nonattendance and the number of children possessing such alleged characteristics.
>
> "3. By January 3, 1972, defendants shall initiate efforts to identify remaining members of the class not presently known to them, and also by that date, shall notify counsel for plaintiffs of the nature and extent of such efforts. Such efforts shall include, at a minimum, a system-wide survey of elementary and secondary schools, use of the mass written and electronic media, and a survey of District of Columbia agencies who may have knowledge pertaining to such remaining members of the class. By February 1, 1972, defendants shall provide counsel for plaintiffs with the names, addresses and telephone numbers of such remaining members of the class then known to them.
>
> "4. Pending further action by the Court herein, the parties shall consider the selection and compensation of a master for determination of special questions arising out of this action with regard to the placement of children in a publicly-supported educational program suited to their needs."

On February 9, 1972, the Board of Education passed a Resolution which included the following:

> "*Special Education*
>
> "7. All vacant authorized special education positions, whether in the regular, Impact Aid, or other Federal budgets, shall be filled as rapidly as possible within the capability of the Special Education Department. Regardless of the capability of the Department to fill vacant positions, all funds presently appropriated or allotted for special education, whether in the regular, Impact Aid, or other Federal budgets, shall be spent solely for special education.
>
> "8. The Board requests the Corporation Counsel to ask the United

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[3] The Court is informed that since the filing of this action some of the named plaintiffs have been placed in private schools, some in public schools, and others remain excluded.

[4] District of Columbia Code, 31-101 et seq.

[5] District of Columbia Code, 31-201.

States District Court for an extension of time within which to file a response to plaintiffs' motion for summary judgment in Mills v. Board of Education on the grounds that (a) the Board intends to enter into a consent judgment declaring the rights of children in the District of Columbia to a public education; and (b) the Board needs time (not in excess of 30 days) to obtain from the Associate Superintendent for Special Education a precise projection on a monthly basis the cost of fulfilling those budgets.

"9. The Board directs the Rules Committee to devise as soon as possible for the purpose of Mills v. Board of Education rules defining and providing for due process and fair hearings; and requests the Corporation Counsel to lend such assistance to the Board as may be necessary in devising such rules in a form which will meet the requirements of Mills v. Board of Education.

"10. It is the intention of the Board to submit for approval by the Court in Mills v. Board of Education a Memorandum of Understanding setting forth a comprehensive plan for the education, treatment and care of physically or mentally impaired children in the age range from three to twenty-one years. It is hoped that the various other District of Columbia agencies concerned will join with the Board in the submission of this plan.

"It is the further intention of the Board to establish procedures to implement the finding that all children can benefit from education and, have a right to it, by providing for comprehensive health and psychological appraisal of children and the provision for each child of any special education which he may need. The Board will further require that no change in the kind of education provided for a child will be made against his wishes or the wishes of his parent or guardian unless he has been accorded a full hearing on the matter consistent with due process."

Defendants failed to comply with that consent order and there is now pending before the Court a motion of the plaintiffs to require defendants to show cause why they should not be held in contempt for such failure to comply.

On January 21, 1972 the plaintiffs filed a motion for summary judgment and a proposed order and decree for implementation of the proposed judgment and requested a hearing. On March 1, 1972 the defendants responded as follows:

"1. The District of Columbia and its officers who are named defendants to this complaint consent to the entrance of a judgment declaring the rights of the plaintiff class to the effect prayed for in the complaint, as specified below, such rights to be prospectively effective as of March 1, 1972:

That no child eligible for a publicly supported education in the District of Columbia public schools shall be excluded from a regular public school assignment by a Rule, policy, or practice of the Board of Education of the District of Columbia or its agents unless such child is provided (a) adequate alternative educational services suited to the child's needs, which may include special education or tuition grants, and (b) a constitutionally adequate prior hearing and periodic review of the child's status, progress, and the adequacy of any educational alternative.

It is submitted that the entrance of a declaratory judgment to this effect renders plaintiffs' motion for summary judgment moot.

"2. In response to plaintiffs' motion for a hearing, defendants respectfully request that this Court hold a hearing as soon as practicable at which defendants will present a plan to implement the above declaratory judgment and at which the Court may decide whether further relief is appropriate."

The Court set the date of March 24, 1972, for the hearing that both parties had requested and specifically ordered the defendants to submit a copy of their proposed implementation plan no later than March 20, 1972.

On March 24, 1972, the date of the hearing, the defendants not only had failed to submit their implementation plan as ordered but were also continuing in their violation of the provisions of the Court's order of December 20, 1971. At the close of the hearing on March 24, 1972, the Court found that there existed no genuine issue of a material fact; orally granted plaintiffs' motion for summary judgment, and directed defendants to submit to the Court any proposed plan they might have on or before March 31, 1972.[6] The defendants, other than Cassell, failed to file any proposal within the time directed. However, on April 7, 1972, there was sent to the Clerk of the Court on behalf of the Board of Education and its employees who are defendants in this case the following documents:

1. A proposed form of Order to be entered by the Court.

2. An abstract of a document titled "A District of Columbia Plan for Identification, Assessment, Evaluation, and Placement of Exceptional Children".

3. A document titled "A District of Columbia Plan for Identification, Assessment, Evaluation, and Placement of Exceptional Children".[7]

4. Certain Attachments and Appendices to this Plan.

The letter accompanying the documents contained the following paragraph:

> "These documents express the position of the Board of Education and its employees as to what should be done to implement the judgment of the Honorable Joseph C. Waddy, the District Judge presiding over this civil action. The contents of these documents have not been endorsed by the other defendants in this case."

None of the other defendants have filed a proposed order or plan. Nor has any of them adopted the proposal submitted by the Board of Education. Throughout these proceedings it has been obvious to the Court that the defendants have no common program or plan for the alleviation of the problems posed by this litigation and that this lack of communication, cooperation and plan is typical and contributes to the problem.

PLAINTIFFS ARE ENTITLED TO RELIEF

Plaintiffs' entitlement to relief in this case is clear. The applicable statutes and regulations and the Constitution of the United States require it.

Statutes and Regulations

Section 31-201 of the District of Columbia Code requires that:

> "Every parent, guardian, or other person residing [permanently or temporarily] in the District of Columbia who has custody or control of a child between the ages of seven and sixteen years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the public schools of the District of Columbia are in session . . ."

Under Section 31-203, a child may be "excused" from attendance only when

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[6] Defendant Cassell filed a separate Answer to the Complaint consenting to the relief prayed for and also filed a memorandum in support of plaintiff's proposed Order and Decree.

[7] The Board of Education has not adopted this plan.

". . . . upon examination ordered by . . . . [the Board of Education of the District of Columbia], [the child] is found to be unable mentally or physically to profit from attendance at school: *Provided, however*, That if such examination shows that such child may benefit from specialized instruction adapted to his needs, he shall attend upon such instruction."

Failure of a parent to comply with Section 31-201 constitutes a criminal offense. D.C.Code 31-207. The Court need not belabor the fact that requiring parents to see that their children attend school under pain of criminal penalties presupposes that an educational opportunity will be made available to the children. The Board of Education is required to make such opportunity available. It has adopted rules and regulations consonant with the statutory direction. Chapter XIII of the Board Rules contains the following:

1.1—All children of the ages hereinafter prescribed who are bona fide residents of the District of Columbia are entitled to admission and free tuition in the Public Schools of the District of Columbia, subject to the rules, regulations, and orders of the Board of Education and the applicable statutes.

14.1—Every parent, guardian, or other person residing permanently or temporarily in the District of Columbia who has custody or control of a child residing in the District of Columbia between the ages of seven and sixteen years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the Public Schools of the District of Columbia are in session, provided that instruction given in such private or parochial school, or privately, is deemed reasonably equivalent by the Board of Education to the instruction given in the Public Schools.

14.3—The Board of Education of the District of Columbia may, upon written recommendation of the Superintendent of Schools, issue a certificate excusing from attendance at school a child who, upon examination by the Department of Pupil Appraisal, Study and Attendance or by the Department of Public Health of the District of Columbia, is found to be unable mentally or physically to profit from attendance at school: *Provided, however*, that if such examination shows that such child may benefit from specialized instruction adapted to his needs, he shall be required to attend such classes.

[1, 2] Thus the Board of Education has an obligation to provide whatever specialized instruction that will benefit the child. By failing to provide plaintiffs and their class the publicly supported specialized education to which they are entitled, the Board of Education violates the above statutes and its own regulations.

The Constitution—Equal Protection and Due Process

The Supreme Court in Brown v. Board of Education, 347 U.S. 483, 493, 74 S.Ct. 686, 691, 98 L.Ed. 873 (1954) stated:

> "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. *Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.* (emphasis supplied)

Bolling v. Sharpe, 347 U.S. 497, 74 S.Ct. 693, 98 L.Ed. 884, decided the same day as *Brown*, applied the *Brown* rationale to the District of Columbia public schools by finding that:

> "Segregation in public education is not reasonably related to any proper governmental objective, and thus it imposes on Negro children of the District of Columbia a burden that constitutes an arbitrary deprivation of their liberty in violation of the Due Process Clause."

In Hobson v. Hansen, 269 F.Supp. 401 (D.C.D.C.1967) Circuit Judge J. Skelly Wright considered the pronouncements of the Supreme Court in the intervening years and stated that ". . . . the Court has found the due process clause of the Fourteenth Amendment elastic enough to embrace not only the First and Fourth Amendments, but the self-incrimination clause of the Fifth, the speedy trial, confrontation and assistance of counsel clauses of the Sixth, and the cruel and unusual clause of the Eighth." (269 F.Supp. 401 at 493, citations omitted). Judge Wright concluded "(F)rom these considerations the court draws the conclusion that the doctrine of equal educational opportunity—the equal protection clause in its application to public school education—is in its full sweep a component of due process binding on the District under the due process clause of the Fifth Amendment."

[3] In Hobson v. Hansen, *supra*, Judge Wright found that denying poor public school children educational opportunities equal to that available to more affluent public school children was violative of the Due Process Clause of the Fifth Amendment. *A fortiori*, the defendants' conduct here, denying plaintiffs and their class not just an equal publicly supported education but all publicly supported education while providing such education to other children, is violative of the Due Process Clause.

[4] Not only are plaintiffs and their class denied the publicly supported education to which they are entitled many are suspended or expelled from regular schooling or specialized instruction or reassigned without any prior hearing and are given no periodic review thereafter. Due process of law requires a hearing prior to exclusion, termination of classification into a special program. Vought v. Van Buren Public Schools, 306 F.Supp. 1388 (E.D.Mich.1969); Williams v. Dade County School Board, 441 F.2d 299 (5th Cir.1971); Cf. Soglin v. Kauffman, 295 F.Supp. 978 (W.D.Wis.1968); Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir.1961), cert. den., 368 U.S. 930, 82 S.Ct. 368, 7 L.Ed.2d 193 (1961); Goldberg v. Kelly, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970).

The Defense

The Answer of the defendants to the Complaint contains the following:

> "These defendants say that it is impossible to afford plaintiffs the relief they request unless:
>
> (a) The Congress of the United States appropriates millions of dollars to improve special education services in the District of Columbia; or
>
> (b) These defendants divert millions of dollars from funds already specifically appropriated for other educational services in order to improve special educational services. These defendants suggest that to do so would violate an Act of Congress and would be inequitable to children outside the alleged plaintiff class."

This Court is not persuaded by that contention.

[5-8] The defendants are required by the Constitution of the United States, the District of Columbia Code, and their own regulations to provide a publicly-supported education for these "exceptional" children. Their failure to fulfill this clear duty to include and retain these children in the public school system, or otherwise provide them with publicly-supported education, and their failure to afford them due process hearing and periodical review, cannot be excused by the claim that there are insufficient funds. In Goldberg v. Kelly, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1969) the Supreme Court, in a case that involved the right of a welfare recipient to a hearing before termination of his benefits, held that Constitutional rights must be afforded citizens despite the greater expense involved. The Court stated at page 266, 90 S.Ct. at page 1019, that "the State's interest that his [welfare recipient] payments not be erroneously terminated, clearly outweighs the State's competing concern to prevent any increase in its fiscal and administrative burdens." Similarly the District of Columbia's interest in educating the excluded children clearly must outweigh its interest in preserving its financial resources. If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly supported education consistent with his needs and ability to benefit therefrom. The inadequacies of the District of Columbia Public School System whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the "exceptional" or handicapped child than on the normal child.

IMPLEMENTATION OF JUDGMENT

This Court has pointed out that Section 31-201 of the District of Columbia Code requires that every person residing in the District of Columbia ". . . who has custody or control of a child between the ages of seven and sixteen years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately . . . . ."[8] It is the responsibility of the Board of Education to provide the opportunities and facilities for such instruction.

[9] The Court has determined that the Board likewise has the responsibility for implementation of the judgment and decree of this Court in this case. Section 31-103 of the District of Columbia Code clearly places this responsibility upon the Board. It provides:

> "The Board shall determine all questions of general policy relating to the schools, shall appoint the executive officers hereinafter provided for, define their duties, and direct expenditures."

The lack of communication and cooperation between the Board of Education and the other defendants in this action shall not be permitted to deprive plaintiffs and their class of publicly supported education. Section 31-104b of the District of Columbia Code dictates that the Board of Education and the District of Columbia Government must coordinate educational and municipal functions:

> "(a) The Board of Education and the Commissioner of the District of Columbia shall jointly develop procedures to assure the maximum coordination of educational and other municipal programs and services *in achieving the most effective educational system and utilization of educational facilities and services to serve broad community needs.* Such procedures shall cover such matters as—
>
> "(1) design and construction of educational facilities to accommodate civic and community activities such as recreation, adult and vocational education and training, and other community purposes;
>
> "(2) full utilization of educational facilities during nonschool hours for community purposes;
>
> "(3) utilization of municipal services such as police, sanitation, recreational, maintenance services to enhance the effectiveness and stature of the school in the community;
>
> "(4) *arrangements for cost-sharing and reimbursements on school and community programs involving utilization of educational facilities and services;* and
>
> "(5) other matters of mutual interest and concern.
>
> "(b) *The Board of Education may invite the Commissioner of the District of Columbia or his designee to attend and participate in meetings of the Board on matters pertaining to coordination of educational and other municipal programs and services and on such other matters as may be of mutual interest.*" (Emphasis supplied).

If the District of Columbia Government and the Board of Education cannot jointly develop the procedures and programs necessary to implement this Court's order then it shall be the responsibility of the Board of Education to present the irresolvable issue to the Court for resolution in a timely manner so that plaintiffs and their class may be afforded their constitutional and statutory rights. If any dispute should arise between the defendants which requires for its resolution a degree of expertise in the field of education not possessed by the Court, the Court will appoint a special master pursuant to the provisions of Rule 53 of the Federal Rules of Civil Procedure to assist the Court in resolving the issue.

Inasmuch as the Board of Education has presented for adoption by the Court a proposed "Order and Decree" embodying its present plans for the identification of "exceptional" children and providing for their publicly supported education, including a time table, and further requiring the Board to formulate and file with the Court a more comprehensive plan,[9] the Court will not now appoint a special master as was requested by plaintiffs. Despite the defendants' failure to abide by the provisions of the Court's previous orders in this case and despite the defendants' continuing failure to provide an education for these children, the Court is reluctant to arrogate to itself the responsibility of administering this or any other aspect of the Public School System of the District of Columbia through the vehicle of a special master. Nevertheless, inaction or delay on the part of the defendants, or failure by the defendants to implement the judgment and decree herein within the time specified therein will result in the immediate appointment of a special master to oversee and direct such implementation under the direction of this Court. The Court will include as a part of its judgment the proposed "Order and Decree" submitted by the Board of Education, as modified in minor part by the Court, and will retain jurisdiction of the cause to assure prompt implementation of the judgment. Plaintiffs' motion to require certain defendants to show cause why they should not be adjudged in contempt will be held in abeyance for 45 days.

JUDGMENT AND DECREE

Plaintiffs having filed their verified complaint seeking an injunction and declaration of rights as set forth more fully in the verified complaint and the prayer for relief contained therein; and having moved this Court for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, and this Court having reviewed the record of this cause including plaintiffs' Motion, pleadings, affidavits, and evidence and arguments in support thereof, and defendants' affidavit, pleadings, and evidence and arguments in support thereof, and the proceedings of pre-trial conferences on December 17, 1971, and January 14, 1972, it is hereby ordered, adjudged and decreed that summary judgment in favor of plaintiffs and against defendants be, and hereby is, granted, and judgment is entered in this action as follows:

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[8] This requirement is equally applicable to the Department of Human Resources, Social Services Administration, with respect to wards committed to them pursuant to D.C.Code Sections 3-116 and 3-117.

[9] The plaintiffs' proposed "Order and Decree" suggests plans, procedures and time tables similar to those proposed by defendant, Board of Education.

[10] 1. That no child eligible for a publicly supported education in the District of Columbia public schools shall be excluded from a regular public school assignment by a Rule, policy, or practice of the Board of Education of the District of Columbia or its agents unless such child is provided (a) adequate alternative educational services suited to the child's needs, which may include special education or tuition grants, and (b) a constitutionally adequate prior hearing and periodic review of the child's status, progress, and the adequacy of any educational alternative.

2. The defendants, their officers, agents, servants, employees, and attorneys and all those in active concert or participation with them are hereby enjoined from maintaining, enforcing or otherwise continuing in effect any and all rules, policies and practices which exclude plaintiffs and the members of the class they represent from a regular public school assignment without providing them at public expense (a) adequate and immediate alternative education or tuition grants, consistent with their needs, and (b) a constitutionally adequate prior hearing and periodic review of their status, progress and the adequacy of any educational alternatives; and it is further ORDERED that:

3. The District of Columbia shall provide to each child of school age a free and suitable publicly-supported education regardless of the degree of the child's mental, physical or emotional disability or impairment. Furthermore, defendants shall not exclude any child resident in the District of Columbia from such publicly-supported education on the basis of a claim of insufficient resources.

4. Defendants shall not suspend a child from the public schools for disciplinary reasons for any period in excess of two days without affording him a hearing pursuant to the provisions of Paragraph 13.f., below, and without providing for his education during the period of any such suspension.

5. Defendants shall provide each identified member of plaintiff class with a publicly-supported education suited to his needs within thirty (30) days of the entry of this order. With regard to children who later come to the attention of any defendant, within twenty (20) days after he becomes known, the evaluation (case study approach) called for in paragraph 9 below shall be completed and within 30 days after completion of the evaluation, placement shall be made so as to provide the child with a publicly supported education suited to his needs.

In either case, if the education to be provided is not of a kind generally available during the summer vacation, the thirty-day limit may be extended for children evaluated during summer months to allow their educational programs to begin at the opening of school in September.

6. Defendants shall cause announcements and notices to be placed in the Washington Post, Washington Star-Daily News, and the Afro-American, in all issues published for a three week period commencing within five (5) days of the entry of this order, and thereafter at quarterly intervals, and shall cause spot announcements to be made on television and radio stations for twenty (20) consecutive days, commencing within five (5) days of the entry of this order, and thereafter at quarterly intervals, advising residents of the District of Columbia that all children, regardless of any handicap or other disability, have a right to a publicly-supported education suited to their needs, and informing the parents or guardians of such children of the procedures required to enroll their children in an appropriate educational program. Such announcements should include the listing of a special answering service telephone number to be established by defendants in order to (a) compile the names, addresses, phone numbers of such children who are presently not attending school and (b) provide further information to their parents or guardians as to the procedures required to enroll their children in an appropriate educational program.

7. Within twenty-five (25) days of the entry of this order, defendants shall file with the Clerk of this Court, an up-to-date list showing, for every additional identified child, the name of the child's parent or guardian, the child's name, age, address and telephone number, the date of his suspension, expulsion, exclusion or denial of placement and, without attributing a particular characteristic to any specific child, a breakdown of such list, showing the alleged causal characteristics for such nonattendance (e. g. educable mentally retarded, trainable mentally retarded, emotionally disturbed, specific learning disability, crippled/other health impaired, hearing impaired, visually impaired, multiple handicapped) and the number of children possessing each such alleged characteristic.

8. Notice of this order shall be given by defendants to the parent or guardian of each child resident in the District of Columbia who is now, or was during the 1971–72 school year or the 1970–71 school year, excluded, suspended or expelled from publicly-supported educational programs or otherwise denied a full and suitable publicly-supported education for any period in excess of two days. Such notice shall include a statement that each such child has the right to receive a free educational assessment and to be placed in a publicly-supported educational program suited to his needs. Such notice shall be sent by registered mail within five (5) days of the entry of this order, or within five (5) days after such child first becomes known to any defendant. Provision of notification for non-reading parents or guardians will be made.

9. a. Defendants shall utilize public or private agencies to evaluate the educational needs of all identified "exceptional" children and, within twenty (20) days of the entry of this order, shall file with the Clerk of this Court their proposal for each individual placement in a suitable educational program, including the provision of compensatory educational services where required.

b. Defendants, within twenty (20) days of the entry of this order, shall, also submit such proposals to each parent or guardian of such child, respectively, along with a notification that if they object to such proposed placement within a period of time to be fixed by the parties or by the Court, they may have their objection heard by a Hearing Officer in accordance with procedures required in Paragraph 13.e., below.

10. a. Within forty-five (45) days of the entry of this order, defendants shall file with the Clerk of the Court, with copy to plaintiffs' counsel, a comprehensive plan which provides for the identification, notification, assessment, and placement of class members. Such plan shall state the nature and extent of efforts which defendants have undertaken or propose to undertake to

(1) describe the curriculum, educational objectives, teacher qualifications, and ancillary services for the publicly-supported educational programs to be provided to class members; and,

(2) formulate general plans of compensatory education suitable to class members in order to overcome the present effects of prior educational deprivations,

(3) institute any additional steps and proposed modifications designed to implement the matters decreed in paragraph 5 through 7 hereof and other requirements of this judgment.

11. The defendants shall make an interim report to this Court on their per-

formance within forty-five (45) days of the entry of this order. Such report shall show:

- (1) The adequacy of Defendants' implementation of plans to identify, locate, evaluate and give notice to all members of the class.
- (2) The number of class members who have been placed, and the nature of their placements.
- (3) The number of contested hearings before the Hearing Officers, if any, and the findings and determinations resulting therefrom.

12. Within forty-five (45) days of the entry of this order, defendants shall file with this Court a report showing the expunction from or correction of all official records of any plaintiff with regard to past expulsions, suspensions, or exclusions effected in violation of the procedural rights set forth in Paragraph 13 together with a plan for procedures pursuant to which parents, guardians, or their counsel may attach to such students' records any clarifying or explanatory information which the parent, guardian or counsel may deem appropriate.

13. Hearing Procedures.

a. Each member of the plaintiff class is to be provided with a publicly-supported educational program suited to his needs, within the context of a presumption that among the alternative programs of education, placement in a regular public school class with appropriate ancillary services is preferable to placement in a special school class.

b. Before placing a member of the class in such a program, defendants shall notify his parent or guardian of the proposed educational placement, the reasons therefor, and the right to a hearing before a Hearing Officer if there is an objection to the placement proposed. Any such hearing shall be held in accordance with the provisions of Paragraph 13.e., below.

c. Hereinafter, children who are residents of the District of Columbia and are thought by any of the defendants, or by officials, parents or guardians, to be in need of a program of special education, shall neither be placed in, transferred from or to, nor denied placement in such a program unless defendants shall have first notified their parents or guardians of such proposed placement, transfer or denial, the reasons therefor, and of the right to a hearing before a Hearing Officer if there is an objection to the placement, transfer or denial of placement. Any such hearings shall be held in accordance with the provisions of Paragraph 13.e., below.

d. Defendants shall not, on grounds of discipline, cause the exclusion, suspension, expulsion, postponement, interschool transfer, or any other denial of access to regular instruction in the public schools to any child for more than two days without first notifying the child's parent or guardian of such proposed action, the reasons therefor, and of the hearing before a Hearing Officer in accordance with the provisions of Paragraph 13.f., below.

e. Whenever defendants take action regarding a child's placement, denial of placement, or transfer, as described in Paragraphs 13.b. or 13.c., above, the following procedures shall be followed.

- (1) Notice required hereinbefore shall be given in writing by registered mail to the parent or guardian of the child.
- (2) Such notice shall:
  - (a) describe the proposed action in detail;
  - (b) clearly state the specific and complete reasons for the proposed action, including the specification of any tests or reports upon which such action is proposed;
  - (c) describe any alternative educational opportunities available on a permanent or temporary basis;
  - (d) inform the parent or guardian of the right to object to the proposed action at a hearing before the Hearing Officer;
  - (e) inform the parent or guardian that the child is eligible to receive, at no charge, the services

of a federally or locally funded diagnostic center for an independent medical, psychological and educational evaluation and shall specify the name, address and telephone number of an appropriate local diagnostic center;
  - (f) inform the parent or guardian of the right to be represented at the hearing by legal counsel; to examine the child's school records before the hearing, including any tests or reports upon which the proposed action may be based, to present evidence, including expert medical, psychological and educational testimony; and, to confront and cross-examine any school official, employee, or agent of the school district or public department who may have evidence upon which the proposed action was based.
- (3) The hearing shall be at a time and place reasonably convenient to such parent or guardian.
- (4) The hearing shall be scheduled not sooner than twenty (20) days waivable by parent or child, nor later than forty-five (45) days after receipt of a request from the parent or guardian.
- (5) The hearing shall be a closed hearing unless the parent or guardian requests an open hearing.
- (6) The child shall have the right to a representative of his own choosing, including legal counsel. If a child is unable, through financial inability, to retain counsel, defendants shall advise child's parents or guardians of available voluntary legal assistance including the Neighborhood Legal Services Organization, the Legal Aid Society, the Young Lawyers Section of the D. C. Bar Association, or from some other organization.
- (7) The decision of the Hearing Officer shall be based solely upon the evidence presented at the hearing.
- (8) Defendants shall bear the burden of proof as to all facts and as to the appropriateness of any placement, denial of placement or transfer.
- (9) A tape recording or other record of the hearing shall be made and transcribed and, upon request, made available to the parent or guardian or his representative.
- (10) At a reasonable time prior to the hearing, the parent or guardian, or his counsel, shall be given access to all public school system and other public office records pertaining to the child, including any tests or reports upon which the proposed action may be based.
- (11) The independent Hearing Officer shall be an employee of the District of Columbia, but shall not be an officer, employee or agent of the Public School System.
- (12) The parent or guardian, or his representative, shall have the right to have the attendance of any official, employee or agent of the public school system or any public employee who may have evidence upon which the proposed action may be based and to confront, and to cross-examine any witness testifying for the public school system.
- (13) The parent or guardian, or his representative, shall have the right to present evidence and testimony, including expert medical, psychological or educational testimony.
- (14) Within thirty (30) days after the hearing, the Hearing Officer shall render a decision in writing. Such decision shall include findings of fact and conclusions of law and shall be filed with the Board of Education and the Department of Human Resources and sent by registered mail to the parent or guardian and his counsel.
- (15) Pending a determination by the Hearing Officer, defendants shall take no action described in Paragraphs 13.b. or 13.c., above, if the child's parent or guardian objects to such action. Such objection must be in writing and postmarked within five (5) days of

the date of receipt of notification hereinabove described.

f. Whenever defendants propose to take action described in Paragraph 13.d., above, the following procedures shall be followed.

(1) Notice required hereinabove shall be given in writing and shall be delivered in person or by registered mail to both the child and his parent or guardian.

(2) Such notice shall

(a) describe the proposed disciplinary action in detail, including the duration thereof;

(b) state specific, clear and full reasons for the proposed action, including the specification of the alleged act upon which the disciplinary action is to be based and the reference to the regulation subsection under which such action is proposed;

(c) describe alternative educational opportunities to be available to the child during the proposed suspension period;

(d) inform the child and the parent or guardian of the time and place at which the hearing shall take place;

(e) inform the parent or guardian that if the child is thought by the parent or guardian to require special education services, that such child is eligible to receive, at no charge, the services of a public or private agency for a diagnostic medical, psychological or educational evaluation;

(f) inform the child and his parent or guardian of the right to be represented at the hearing by legal counsel; to examine the child's school records before the hearing, including any tests or reports upon which the proposed action may be based; to present evidence of his own; and to confront and cross-examine any witnesses or any school officials, employees or agents who may have evidence upon which the proposed action may be based.

(3) The hearing shall be at a time and place reasonably convenient to such parent or guardian.

(4) The hearing shall take place within four (4) school days of the date upon which written notice is given, and may be postponed at the request of the child's parent or guardian for no more than five (5) additional school days where necessary for preparation.

(5) The hearing shall be a closed hearing unless the child, his parent or guardian requests an open hearing.

(6) The child is guaranteed the right to a representative of his own choosing, including legal counsel. If a child is unable, through financial inability, to retain counsel, defendants shall advise child's parents or guardians of available voluntary legal assistance including the Neighborhood Legal Services Organization, the Legal Aid Society, the Young Lawyers Section of the D. C. Bar Association, or from some other organization.

(7) The decision of the Hearing Officer shall be based solely upon the evidence presented at the hearing.

(8) Defendants shall bear the burden of proof as to all facts and as to the appropriateness of any disposition and of the alternative educational opportunity to be provided during any suspension.

(9) A tape recording or other record of the hearing shall be made and transcribed and, upon request, made available to the parent or guardian or his representative.

(10) At a reasonable time prior to the hearing, the parent or guardian, or the child's counsel or representative, shall be given access to all records of the public school system and any other public office pertaining to the child, including any tests or reports upon which the proposed action may be based.

(11) The independent Hearing Officer shall be an employee of the District of Columbia, but shall not be an officer, employee or agent of the Public School System.

(12) The parent or guardian, or the child's counsel or representative, shall have the right to have the attendance of any public employee who may have evidence upon which the proposed action may be based and to confront and to cross-examine any witness testifying for the public school system.

(13) The parent or guardian, or the child's counsel or representative, shall have the right to present evidence and testimony.

(14) Pending the hearing and receipt of notification of the decision, there shall be no change in the child's educational placement unless the principal (responsible to the Superintendent) shall warrant that the continued presence of the child in his current program would endanger the physical well-being of himself or others. In such exceptional cases, the principal shall be responsible for insuring that the child receives some form of educational assistance and/or diagnostic examination during the interim period prior to the hearing.

(15) No finding that disciplinary action is warranted shall be made unless the Hearing Officer first finds, by clear and convincing evidence, that the child committed a prohibited act upon which the proposed disciplinary action is based. After this finding has been made, the Hearing Officer shall take such disciplinary action as he shall deem appropriate. This action shall not be more severe than that recommended by the school official initiating the suspension proceedings.

(16) No suspension shall continue for longer than ten (10) school days after the date of the hearing, or until the end of the school year, whichever comes first. In such cases, the principal (responsible to the Superintendent) shall be responsible for insuring that the child receives some form of educational assistance and/or diagnostic examination during the suspension period.

(17) If the Hearing Officer determines that disciplinary action is not warranted, all school records of the proposed disciplinary action, including those relating to the incidents upon which such proposed action was predicated, shall be destroyed.

(18) If the Hearing Officer determines that disciplinary action is warranted, he shall give written notification of his findings and of the child's right to appeal his decision to the Board of Education, to the child, the parent or guardian, and the counsel or representative of the child, within three (3) days of such determination.

(19) An appeal from the decision of the Hearing Officer shall be heard by the Student Life and Community Involvement Committee of the Board of Education which shall provide the child and his parent or guardian with the opportunity for an oral hearing, at which the child may be represented by legal counsel, to review the findings of the Hearing Officer. At the conclusion of such hearing, the Committee shall determine the appropriateness of and may modify such decision. However, in no event may such Committee impose added or more severe restrictions on the child.

14. Whenever the foregoing provisions require notice to a parent or guardian, and the child in question has no parent or duly appointed guardian, notice is to be given to any adult with whom the child is actually living, as well as to the child himself, and every effort will be made to assure that no child's rights are denied for lack of a parent or duly appointed guardian. Again provision for such notice to non-readers will be made.

15. Jurisdiction of this matter is retained to allow for implementation, modification and enforcement of this Judgment and Decree as may be required.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER MILLS, et. al., Plaintiffs, v. BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA, et. al., Defendants.	Civil Action No. 1939-71

PROPOSED RESTATEMENT OF PARAGRAPHS 5 TO 15 AND PARAGRAPH 4 OF THE JUDGMENT AND DECREE OF AUGUST 1, 1972.

Come now defendants, by and through their attorneys, pursuant to the Order of this Court, dated December 7, 1977, and submit the Restatement of Paragraphs 5 to 15 of the Judgment and Decree of August 1, 1972, attached hereto.

Defendants further propose that paragraph 4 of the Judgment and Decree, dated August 1, 1972, be modified and restated in the following manner to comport with the content of the Plan for the Education of the Handicapped and Exceptional Children accepted by Order of this Court on December 7, 1977:

> "4. Defendants shall not suspend a student for more than two days from the public schools for disciplinary reasons without affording the student a constitutionally adequate hearing and ensuring that the suspended student is provided all classwork assignments during the period of suspension. Any student that is suspended who may be in need of special

* Sub change beyond any mention in any of the previous submissions

education services shall be accorded the protection of paragraph 10 herein."

Respectfully submitted,

/S/

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/S/

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/S/

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RESTATEMENT OF PARAGRAPHS 5 TO 15 OF THE JUDGMENT AND DECREE OF AUGUST 1, 1977

5. Defendants shall engage in ongoing "child find" activities to insure that all handicapped children of the District of Columbia are identified no matter where they reside, whether they are currently institutionalized in District of Columbia or private facilities, or whether they are currently receiving the benefit of other educational services or training. The "child find" program shall be conducted by spot announcements and notices placed in daily newspapers of general circulation, the general distribution of flyers, and other means.

6. If a child is identified as potentially in need of special educational services by school personnel or someone other than a parent, guardian or surrogate, the parent, guardian or surrogate shall be notified in writing of the identification. Said notification shall inform the parent, guardian or surrogate that the child has a right to a formal referral for assessment.

   The written notification shall also provide notice of all due process rights and hearing procedures available to contest placement or denial of placement, a description of the assessment and placement procedures used by the agency, and the name and telephone number of an employee of the agency who can be contacted for further information. Where the nature of the problem is unknown or pre-referral assessment at the school level is indicated, the student may participate in the local school program prior to a formal referral with the consent of the parent, guardian or surrogate. However, the parent, guardian or surrogate must be informed of the right to a formal referral without prior participation in the local school program.

7. In cases where pre-referral observation and educational assessment have occurred through participation of the child

in the local school program or in cases where an assessment of the child's needs has been made by a private agency, other governmental agency, private physician or educational specialist, defendants have twenty (20) days from the time of the referral to complete the evaluation, diagnosis and recommendation.

20 days evaluation where outside work-up exists

8. In cases where additional time is required due to lack of pre-referral observation and assessment, or lack of outside assessment information, defendants have thirty (30) days from the time of the referral to complete the evaluation, diagnosis and recommendation.

30 days evaluation

9. Failure to complete the evaluation, diagnosis and recommendation within the time limits set forth in paragraphs 7 and 8 above shall constitute a denial of placement, and the parent, guardian or surrogate has the right to request a hearing to be conducted pursuant to paragraphs 14 and 15 below.

10. In the event of a suspension of a student for disciplinary reasons which is not appealed, a teacher, school officer, parent, guardian or surrogate may request a referral for assessment and evaluation pursuant to paragraphs 7 and 8 above.

In the event of a suspension of a student for disciplinary reasons which is appealed to a hearing officer, the hearing officer may also recommend the referral of the student for assessment and evaluation. Such recommendation shall be treated as if it were a referral made pursuant to paragraph 6 above.

11. Not later than thirty (30) days from the completion of the assessment done pursuant to either paragraph 7 or 8 above, a placement shall be proposed which would provide the child with a publicly supported education appropriate to his or her needs. Any proposed placement shall be made within the context of the presumption that among the alternative programs of education, placement in a regular public school class with appropriate ancillary services is more appropriate than placement in a

30 days for placement

special school class. A child shall be placed in a more restrictive environment only if a less restrictive environment cannot adequately and appropriately serve the child's needs.

12. In instances where the assessment is made beyond the time limits allowed (pursuant to either paragraph 7 or 8 above) for evaluation, diagnosis and recommendation, the thirty (30) day time limit set forth in paragraph 11 above shall be reduced by the number of days taken to complete the evaluation, diagnosis and recommendation beyond the appropriate time limit.

13. Upon the determination of a proposed placement, change of placement or a decision to deny placement, the parent, guardian or surrogate shall be given written notice by certified mail of the following:

    a. a statement of the proposed placement action including an explanation of the reasons for the action and a description of all reports, tests, and other information upon which the action is based;

    b. a statement clearly indicating the right of a parent, guardian or surrogate to challenge the proposed action by requesting a hearing before an impartial hearing officer;

    c. an explanation of the due process rights and hearing procedures set forth in paragraphs 14 and 15 below; and

    d. the name and telephone number of who to contact to request a hearing, obtain further information, and obtain further explanation of the due process rights and procedures.

14. The parent, guardian or surrogate shall be notified, pursuant to paragraph 13 c above, of the following rights:

a. the right to be represented by any person of their choosing, including legal counsel or an individual with special knowledge or training with respect to the student;

b. the right to be informed where to obtain free legal counsel;

c. the right to compel the attendance at a hearing of any school official or agency employee who may have evidence or present testimony directly related to the subject of the hearing; provided that the parent, guardian or surrogate shall furnish the agency with a list of witnesses ten (10) working days prior to the hearing and the agency shall furnish the parent, guardian or surrogate with its list of witnesses at least seven (7) working days prior to the hearing;

d. the right to present evidence, including documents, reports and data and the right to present testimony including any expert, medical, psychological or educational testimony;

e. the right to cross-examine any person presenting evidence at the hearing on behalf of the agency;

f. the right to have a hearing held not more than forty-five (45) days after receipt of the request for hearing, and not less than twenty (20) days, which time limits may be waived, by the parent, guardian or surrogate.

g. the right to have a hearing held at a time which is reasonably convenient to the parent, guardian or surrogate and agency personnel involved in the hearing; provided that hearings will not be scheduled on weekends or holidays without the consent of all parties; and provided that hearings may be scheduled outside of normal business hours at the request of the parent, guardian or surrogate;

h. the right to have a hearing held at the local agency site or other location convenient to the parent, guardian or surrogate;

i. the right to examine all portions of the child's records prior to the hearing, including the right to examine and obtain, upon request, copies of any test results, reports or other data upon which the proposed placement or denial of placement is based;

j. the right to receive the written determination of the hearing officer which shall have been rendered within ten (10) working days after the completion of the hearing;

k. the right to have the hearing recorded and to receive, upon request, a copy of the electronic recording; and

l. the right to obtain an independent evaluation and diagnosis without charge from a federally or locally funded diagnostic center.

15. Hearings shall be conducted in accordance with the following:

a. the hearing officer shall be independent and shall not be an officer, regular employee or agent of the defendants; provided that persons may be hired and compensated by each agency on a part-time or consultant basis to perform the duties of a hearing officer;

b. the hearing officer will preside at the hearing, shall conduct the proceedings in a fair and impartial manner, and shall ensure that all parties involved in the hearing have an opportunity to present evidence and testimony and cross-examine witnesses;

c. the hearing officer shall determine whether proper notice has been provided pursuant to paragraphs 13 and 14 above and whether all required procedures have been followed and rights afforded or that such rights and procedures have been specifically waived by the party or the party's representative to which the rights or procedures are applicable;

d. the agency and the child's parent, guardian or surrogate may present documentary evidence and call witnesses and shall be given the opportunity to cross-examine any witness called by the other party or hearing officer;

e. the hearing shall not be conducted according to the strict rules of evidence; however, the hearing officer may exclude any evidence which is irrelevant or repetitive;

f. the hearing shall be closed to the public unless the parent, guardian or surrogate specifically requests that the hearing be open to the public. A hearing which has been open will be closed at any time upon the request of the parent, guardian or surrogate;

g. the burden of proof shall be upon the agency, its employees and agents as to all facts and as to the adequacy and appropriateness of any proposed/denied identification, evaluation, placement, or transfer/change in placement, based on the preponderance of the evidence;

h. at each stage of the due process procedures, interpreters for the deaf and, when needed, interpreters fluent in the primary language of the home shall be provided at public expense;

i. within ten (10) days of the conclusion of the hearing, the hearing officer shall issue a written determination which shall include a summary of the evidence presented, a statement of findings of fact based upon the evidence, and conclusions of law. The determination shall be filed with the agency and sent by certified mail to the parent, guardian or surrogate and their representative;

j. the decision of the hearing officer shall be based solely on evidence presented in the course of the hearing and applicable laws, regulations and rules;

ⓚ in a case where a hearing is held to challenge a proposed placement, the hearing officer's conclusion shall address solely the issue of the adequacy of the proposed placement;

Hearing officer authority

l. the agency has no authority to direct, rescind, overrule, modify, or alter the substantive decision of the hearing officer. However, a hearing officer's determination which does not comply with an applicable law, regulation or Court order may be remanded by the agency to the hearing officer and the hearing officer shall have the opportunity to correct the defect. If the hearing officer declines to correct the defect, the agency may note the defect in the determination and give notice to the parties that the defect may be used as grounds for a re-hearing of the matter de novo before another hearing officer.

m. the decision of the hearing officer is final, subject only to an appeal on legal grounds to a court of competent jurisdiction.

n. during the pendency of any hearing or judicial proceeding regarding a complaint or challenge to a proposed/denied identification, evaluation, or placement/change of placement in an educational program, the child concerned shall remain in his or her present educational placement unless the agency and the parent, guardian or surrogate otherwise agree;

o. if the hearing officer concludes that the proposed placement is adequate, the placement shall be made by the agency. If the hearing officer concludes that the proposed placement is not adequate, the agency has twenty (20) days to propose another placement.

Hearing officer auth ✓

Joseph C. Waddy
United States District Judge

Date: December , 1977

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER MILLS, et al. :
:
vs. : Civil Action No. 1939-71
:
BOARD OF EDUCATION OF THE :
DISTRICT OF COLUMBIA, et al. :

FILED
MAR 27 1975
JAMES F. DAVEY, Clerk

ORDER

This matter having come before this Court pursuant to Plaintiffs' Motion for a Show Cause Order, and the Court having heard the evidence and arguments, and having made findings of facts, it is hereby ORDERED, this 27th day of March, 1975, that:

1. BARBARA SIZEMORE, individually and as Superintendent of Schools; VIRGINIA MORRIS, JULIUS W. HOBSON, JR., BETTE G. BENJAMIN, THERMAN E. EVANS, ELIZABETH KANE, REV. RAYMOND KEMP, HILDA HOWLAND M. MASON, CAROL L. SCHWARTZ, BARBARA LETT SIMMONS, WILLIAM TREANOR, and JOHN E. WARREN, individually and as members of the Board of Education; JOSEPH P. YELDELL, individually and as Director of the Department of Human Resources; and WALTER E. WASHINGTON, individually and as the Mayor of the District of Columbia, are in contempt of this Court for their failure to comply with the provisions of this Court's order dated August 1, 1972;

2. Defendants shall immediately place named plaintiff class-members Michael Mitchell and Thomas Andrews in appropriate educational placements;

3. Defendants shall submit to this Court, and to

counsel for plaintiffs, a list of all children for whom the Department of Special Education, or hearing officers, have recommended tuition, or other changes in their education, and reveal to the Court the current status of all such children, including what steps, if any, the Defendants have taken to comply with the requirements of the decree, and all children identified as being in need of educational placements shall be immediately and appropriately placed. This report shall be submitted not later than 10 days from March 26, 1975.

4. Defendants shall submit to this Court and to counsel for plaintiffs not later than April 15, 1975, or within such additional time as this Court may order for good cause shown, their plans for future implementation of and compliance with the judgment of this Court dated August 1, 1975.

5. This Court will hold further hearings on April 18, 1975 at 10:00 A.M., for the purpose of determining Defendants' compliance with the orders of this Court. At that time the Court will also consider whether further sanctions should be applied.

6. The Court will hold in abeyance Plaintiffs' Motion for the Appointment of a Special Master pending further demonstration of Defendants' compliance with the orders of this Court.

7. Plaintiffs' motion for counsel fees is denied.

Joseph C. Waddy
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER MILLS, et al.)
)
v.) Civil Action
) No. 71-1939
BOARD OF EDUCATION OF THE)
DISTRICT OF COLUMBIA, et al.)

FILED
MAR 27 1975
JAMES F. DAVEY, Clerk

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case is before the Court on an order to show cause which, in effect, is a motion to adjudge the defendants in contempt for their failure to comply with an order of this Court dated August 1, 1972.

On that date, this Court entered a judgment in which it found that the District of Columbia was required to supply to the hendicapped children and exceptional children within its jurisdiction an education geared to their needs and from which they could benefit. Mills v. Board of Education, 348 F. Supp. 866 (D.D.C. 1972). This judgment was predicated upon the fact that there is in the District of Columbia a compulsory school law, and those statutes require the Board of Education to administer that law and to provide such an education and that this applied to all children within the age limits that were set by the statute. As a matter of fact, the defendants admitted, and the Court found, that the defendants were under an affirmative duty to provide plaintiffs and their class with publicly supported education suitable to each child's needs, including special education and tuition grants, and they admitted, and the Court found, that they had failed to carry out that affirmative duty. Defendants' only defense was the impossibility to carry out their duty because of the absence of funds. The Court rejected that position.

The evidence that has been presented before this Court, and the Court also takes judicial notice of prior proceedings in this case, is that since August 1, 1972, there has been a failure on the part of the Board of Education, Superintendent of Schools, the Director of Human Resources, and the Mayor to faithfully comply with the provisions and orders of this Court. They have been before the Court before and have consented to stipulations and the Court has approved those stipulations, and has withheld appointing a special master, which the Court indicated originally it might do. 348 F. Supp. at 877.

Specifically before the Court at this time are the circumstances of two members of the class, Thomas Andrews and Michael Mitchell. From the evidence before the Court, Mitchell was determined to be in need of special education and tuition grant in February of 1974; Andrews was determined to be in need of special education as of January 8, 1975. It is not until the day before a hearing on this motion to adjudge in contempt that final commitments are made to see that these two members of the class are given the education to which they are entitled. As a matter of fact, at a hearing on a motion for temporary restraining order on the 11th of this month, the defendants were in court claiming that they could not carry out the decree of the Court because they had no money. Nevertheless, with respect to these individuals, at least, money was found yesterday, and they now come into court and say, "We are prepared to comply with the order of the Court with respect to these individuals and with respect to other individuals who have been identified as in need of certain special treatment and have not been given that treatment."

The evidence also shows, and it has been argued to the Court, this time as on prior occasions, that there was difficulty trying to get the departments of the District of Columbia Government together in working out a program for the implementation of the order of the Court. The Court anticipated this problem in the beginning and stated in its original decree that:

> If the District of Columbia Government and the Board of Education cannot develop the procedures and programs necessary to implement this Court's order, then it shall be the responsibility of the Board of Education to present the irresolvable issue to the Court for resolution in a timely manner so that plaintiff and their classes may be afforded their constitutional rights.
> 348 F. Supp. at 877.

At no time in the more than two and a half years has the Board of Education presented anything to this Court on its own initiative, but has merely reacted to presentations that have been made by counsel representing the plaintiff in this case. In addition thereto, there have been stipulations filed in this case assuring that all of the parties would cooperate for the purposes of seeing that the decree was properly implemented. There is rèpresented to this Court today that such cooperation has not been forthcoming.

There is in evidence before the Court certain exhibits that have been filed which indicate that the shortage of funds for special education was identified as early as September of 1974. It appears, also, that the District of Columbia Government held a conference concerning this matter and that it was recommended to the Mayor of the City that the matter of increased funding for special education in the District of Columbia be deferred until the 1976 Budget, although there was a showing in September of 1974 that the 1975 Budget was inadequate. The Mayor at that time accepted the recommendation that it be deferred and transmitted that information to the Board of Education. The Board of Education did not bring the matter to the attention of this Court for its resolution.

The Court has been urged to appoint a special master. The Court has given serious thought over the months as to the desirability of appointing a special master and has been deterred in some respects in proceeding in that fashion because of the expense that would be connected with it which might well have an adverse effect upon the amount of money which is available for the main problem that we have before us, the supplying of the education.

The defendants have now come before the Court and have presented to the Court the affidavit of the Superintendent of Schools and an affidavit of a Deputy Superintendent of Schools in which they state that they are now prepared and have the funds to supply the tuition grants for some 43 children, members of the class, who have not been properly placed. Mr. Williams says in his affidavit that:

> Allotment changes within the D.C. Public Schools account were accomplished to transfer an additional 51 thousand dollars from other sources within the school system to funds for special education tuitions and that contracts for this amount can be obligated immediatly.

He proceeds further and says that:

> Authority was issued to the D.C. Public Schools from the Office of the Mayor to increase the D.C. Public Schools financial plans for tuition grants by the addition of 87 thousand dollars, additional funding authority from the City and that contracts for this amount can be obligated immediately;

> that the Department of Special Education has been informed of this additional amount of funds for tuition and their availability for immediate use on this date [this date being the 25th of March]; that the officials responsible for contracting processes for tuition grants within the D.C. Public Schools who are within the Office of Management Services under my authority have been instructed to process all contracts received from the Department of Special Education without delay.

Superintendent Sizemore states, with respect to the same funds that have been referred to by Mr. Williams in his affidavit, that:

> The amount of money transferred this date into the Special Education Account is sufficient to support the cost of placement of these 43 children on tuition grants for the remainder of the fiscal year and that I have ordered the immediate placement of these 43 children on tuition grants and that the Department of Special Education is presently implementing that order; that the 43 children referred to are identified and their current school state is noted, their proposed tuition placement indicated and the current status of such placement is shown in the exhibit labeled Chart B-1 and Chart B-2.

On those charts it appears that the two members of the class who have brought this motion are on Chart A and that they are to be placed immediately. Other children are mentioned on other charts that are included, and the Superintendent sets forth the procedures that are to be used to see that they are placed, and she concludes that:

> The necessary amendments to contracts and other contractual arrangements necessary for the placement of these 43 children are proceeding and will continue without delay in the Department of Special Education and will be promptly submitted to the D.C. Finance Office, along with the required freeze exemption forms to assure prompt action.

The Court has considered the evidence in the case, and as it has indicated, has taken judicial notice of the course of these proceedings since the decree was first entered, and the Court finds that the Board of Education, members of the Board of Education, the Superintendent of Schools, the Director of the Department of Human Resources and the Mayor, are all in contempt of this Court for their failure to comply with the provisions of the order. This brings us to the question of sanctions.

At this time, in light of the representations that have been made to the Court as to the immediate placement of the members of the class who have brought this motion and as to the immediate processing of the other members who have been identified, the Court will not impose sanctions, but will withhold the question of sanction and will direct that the defendants forthwith place the named plaintiffs in the situations which have been indicated for them at the earliest time that the schools will accept them. The Court will further direct that within ten days the defendants will submit to this Court and to counsel for the plaintiffs, not only this list of 43 children that are here, but a list of all children for whom the Department of Special Education, or hearing officers have recommended tuition, or other changes in their education and reveal to this Court the status, including what steps, if any, the defendants have taken to comply with the requirements of the decree. And the Court will further order that once these children have been identified, that they be appropriately placed and that this report to the Court will be made not later than April 15, 1975. Further hearing on the question of the defendants' compliance with their own commitment and with the order of this Court will be set for 10:oo a.m. April 18, 1975 in this court. At that time, the Court will consider whether or not other sanctions should be applied. The Court keeps open the proposition of fines for failure to follow through in the implementation of the order.

With respect to the question of counsel fees, plaintiffs' motion for counsel fees is denied. These are counsel paid by organizations whose purpose it is to act as public-interest representatives and they, in their own submission, admit that they undertook this representation without fee. In addition to that, inasmuch as the defendants have indicated their willingness to proceed with these identified and identifiable children, the Court will deny counsel fees at this time; it also will withhold the appointment of a special master, particularly in view of the representation of counsel for the defendants that they will be able to supply this Court with a complete outline for the foreseeable future as to how they intend to implement this program. If the Court is not satisfied with that presentation by the defendants, we will have time enough then to determine whether or not a special master should be appointed.

March 27, 1975

Joseph C. Waddy, Judge
U.S. District Court

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER MILLS, et al.,
Plaintiffs,
v.
BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA, et al.,
Defendants.

Civil Action No. 1939-71

FILED
JUN 1 8 1980
JAMES F. DAVEY, Clerk

MEMORANDUM ORDER

This comes before the Court on the plaintiffs' motion for contempt and enforcement of decree. Plaintiffs contend that the defendants have failed to comply with the decree entered in this case in August 1972, see, Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (D.D.C. 1972), as modified by subsequent stipulation and the order of May 3, 1978.

I.

Plaintiffs allege that defendants have systematically failed to comply with the deadlines proscribed in those orders and their own regulations, that defendants have failed to provide children with educational services and safe environment in several special public schools and in institutions operated by the Department of Human Resources (DHR), now the Department of Human Services (DHS), and that defendants failed to develop and provide appropriate public school placement for a substantial number of children and have refused to provide those children with alternative residential placements in the absence of such programs.

Defendants contend that the motion should be denied because intervening federal legislation and regulations provide plaintiffs with a fair and adequate remedy, see, The Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq., and The Education of the Handicapped Act, 20 U.S.C. § 1401 et seq., and the regulations promulgated under each act, that the motion is premature in that certain plaintiffs have failed to avail themselves of due process administrative hearings, that the proceedings are limited by the scope of the modified Mills decree, that plaintiffs have failed to demonstrate that defendants have violated the underlying order, and finally, that plaintiffs have failed to demonstrate a willful and deliberate violation of those prior orders.

This Court has carefully considered the arguments of counsel and the testimony and documents introduced during the hearing on the motion. The Court has likewise carefully reviewed the prior orders entered in this case by Judge Waddy, the author of the prior orders. Having done so, the Court finds that the defendants had and still have an affirmative duty to follow the prior orders of the Court until modified, that the defendants have in fact failed to follow and abide by those prior orders, and that their actions, in part, result from a willful and deliberate violation of those orders. Defendants have acted in contempt of those orders.

II.

In order to place this case in its proper context, it is necessary to refer to certain findings and conclusions reached in the prior orders. Judge Waddy's historic decision was filed on August 1, 1972. See 348 F. Supp. 866. He found that defendants had failed to provide plaintiffs with publicly supported education to meet their special needs and failed to offer them adequate due process hearings and reviews. The Court granted additional time for the defendants to submit a plan after entering into an order in December 1971 but found that on March 24, 1972, the defendants had not only failed to submit a plan "but were also continuing in their violation of the provisions of the Court's order of December 20, 1971." Id. at 873.

The Court set forth the responsibility of the defendants, the Board of Education (Board) and DHR, to comply with the requirements of that judgment, *Id.* at 876, n. 8, and observed that there was a lack of communication and cooperation between the Board and the other defendants in the case, *Id.* at 876.

The Court ordered the defendants to provide special educational services to include special education or tuition grants and to provide "a free and suitable publicly supported education regardless of the degree of the child's mental, physical or emotional disability or impairment" and further provided that the "defendants shall not exclude any child resident in the District of Columbia from such publicly supported education on the basis of a claim of insufficient resources." *Id.* at 878. The Court set out directions for administrative due process hearings as well. *Id.* at 880-882. The August 1972 order was modified several times, the final modification being on May 3, 1978.

III.

Defendants argue that the Court should not entertain this motion because of intervening federal statutes concerning special education programs and because the Court did not retain jurisdiction over the case after the entry of the May 1978 order. The short answer to this argument is that the Court specifically retained jurisdiction for the implementation, modification and enforcement of the judgment and decree, *see* 48 F. Supp. at 883, and provided in its most recent order modifying that decree that the decree shall remain in "full force and effect," *see* Order Modifying and Continuing in Effect the Judgment and Decree, dated August 1, 1972, p. 2.

Defendants' argument that some of the plaintiffs have failed to avail themselves of the right to a due process administrative hearing is also without merit, for the reason that, in too many cases, resort to administrative proceedings had proved to be a futile gesture, often resulting in appeals to this Court in which the plaintiffs contend, and the Court concludes, that defendants have failed to comply with the applicable law. See, e.g., North v. District of Columbia Board of Education, 471 F. Supp. 136 (D.D.C. 1979.

This case and this motion is properly before the Court.

IV.

Turning to the merits of the pending motion, the Court finds that the plaintiffs have established, by clear and convincing evidence, indeed beyond a reasonable doubt, that the defendants have acted in contempt of the Mills decree. [1]

Defendants do not really dispute that they have failed to meet the time limits for handling administrative complaints and recommending appropriate placements. However, while defendants admit that they had failed to meet those time limits established pursuant to the Court order, they seek to excuse this failure by arguing that the time limits established in the Mills decree were unrealistic. This Court does not address that issue at this time since it is not properly before the Court. The Court expressly retained jurisdiction over the case in recognition that modification of various parts of the decree might be necessary from time to time. Defendants are represented by counsel, and the agency defendants have their own legal advisors as well, and could have easily requested the Court to extend the time limits. Rather than do so, they chose to ignore the Court's orders. It is true that there is presently pending before the Court a motion filed by defendants to modify the Mills decree in order to change the time limits. However, that motion was filed after the plaintiffs had filed their motion for contempt.

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[1] The Mills decree refers to the Order of August 1, 1972 and subsequent orders modifying that order and regulations promulgated thereunder.

These defendants have previously been cited for contempt in this case. In a prior order entered on March 27, 1975, they were found in contempt and at that time the Court observed that "[a]t no time in the more than two and a half years has the Board of Education presented anything to this Court on its own initiative, but has merely reacted to presentations that had been made by counsel representing the plaintiffs in this case." Findings of Fact and Conclusions of Law, March 27, 1975, p. 3. The defendants have followed the same procedure in this case.

The Court finds that the defendants have failed to present a valid excuse for not following the prior Court orders respecting time limits.

V.

Plaintiffs also charge that defendants have failed to provide for appropriate residential placements where such programs were required. Defendants contend on the other hand that residential placements are not included within the terms of the Mills decree.

Residential placement is clearly a form of alternative placement under Mills. The object of any special education program is to provide for the least restrictive placement for the child. Thus, if a child can be placed in a regular classroom setting and yet participate in a special education program without doing injury to the overall educational program, such a placement is appropriate. Such programs constitute the vast majority of special education programs in the District of Columbia. However, while the least restrictive placement is the desired program, such programs are not available to every handicapped child in the District of Colubmia. The nature of the required program depends upon the particular facts relating to each individual child, and for that reason, defendants are required to prepare an individual educational program for each child. This Court and others, while adhering to the concept of placement in the least restrictive setting, has found it necessary to place a few children in a residential setting. Such placements are contemplated by the Mills decree where the Court stated that the defendants had a duty to provide an appropriate publicly supported education "regardless of the degree of the child's mental, physical or emotional disability or impairment." 348 F. Supp. at 878. Such language covers a broad spectrum of handicaps and obviously must include those cases in which a child must be placed in a residential facility. No one can seriously contend that the above language does not contemplate, in the appropriate cases, a residential program.

The Court finds that the defendants have deliberately attempted to discourage any consideration of needed residential programs in all but a few cases. The defendants have failed to disseminate any guidelines respecting residential placement to their placement officers, and on occasions, have played one agency off against the other to avoid meeting their responsibility in this regard. A placement specialist for the defendants testified during the hearing on the motion for contempt that she had referred the parents of children who required residential placement to DHR when she knew at that moment that DHR would not accept such a placement because the child was not a ward of DHR. Such actions only serve to delay an appropriate placement for these children. In such cases, unless the parent is willing to allow the institution of neglect proceedings against the parent, resulting in a commitment of the child to DHR, DHR has taken the position that it cannot assist in a placement. The child in those cases was not the victim of a neglectful parent but was the victim of neglect by these defendants.

In taking the above action or inaction, these defendants have clearly violated the Mills decree.

VI.

Although several other issues have been raised in this case, the Court need only mention two others.

DHR, and its successor, DHS, is required to establish procedures for administrative hearings for children committed to that agency when there is a need for special education. See, 348 F. Supp. at 876, n. 8. The record reveals however that DHR and DHS have failed to establish those procedures and thus have denied those children in need of such program, an adequate publicly supported education commensurate with their needs.

Based upon the record now before the Court, it appears that the defendants have done little to improve the overall special education program and the procedure utilized within that program. One witness testified on behalf of the plaintiffs that several of the programs he had viewed were simply inadequate.

Defendants point, with some validity, to the heavy financial burden in operating such programs, however, based upon the present record, this Court is unable to compare the amounts allotted for special education and the amounts actually expended on such programs. As noted above, the defendants have failed to come back to the Court to ask for any modification of the program and only filed a motion for modification when the plaintiffs filed their present motion.

The defendants have undertaken to discourage any involvement in residential programs and have shown an amazing lack of concern and an indifference to the plaintiffs and other members of the class, especially regarding requests for placement in residential programs. The Court finds and concludes that defendants have failed to follow the dictates of the Mills decree and they have presented no real defense for their actions.

VII.

The Court concludes based upon the above record that the defendants are in contempt of the orders entered in this case. Moreover, the Court finds that the actions of the defendants were willful and deliberate in that they knew and understood their obligations to this Court and to the plaintiffs and, without coming back to the Court and seeking a modification of the Court's prior orders, merely chose to ignore those orders and proceed on their own initiative.

The Court shall withhold ruling on the question of sanctions to be imposed pending further hearings and submissions by the parties consistent with this order. The Court shall also retain jurisdiction of this case, consistent with its prior orders, and shall at the appropriate time, entertain defendants' motion for modification. Taking all of the above matters into consideration, it is hereby

ORDERED, that the defendants take immediate action to place the class members identified in the motion, and all other class members presently known to defendants, in programs that are appropriate to their individual needs, including residential programs, and it is further

ORDERED, that request for evaluation and placement are to be acted upon within the 50-day calendar limit specified in the Court's prior decrees, unless and until that requirement is modified by order of the Court, and it is further

ORDERED, that defendants file with the Court, on or before July 7, 1980, a complete and detailed report on their efforts at compliance with the Court's order and the Mills decree, and it is further

ORDERED, that the Court retains jurisdiction of this case and shall enter necessary orders to assure future compliance with the Court's decree.

JOHN GARRETT PENN
United States District Judge

Dated: June 17, 1980

Mr. **McKinney**. Well, I want to thank you, one, for appearing yourself.

Do you know why this city went out to seek relief from the 60-day evaluation and placement requirement of *Mills* decree?

Ms. **Yohalem**. That's been an issue, compliance with those timelines, not just for children in D.C. institutions, but for all handicapped children in the District, has been an issue for years.

Frankly, the extent of noncompliance with those timelines was far worse in 1980, and it was one of the findings in the contempt order of 1980, the failure to comply with it.

Mr. **McKinney**. In other words, you're saying it's worse today than——

Mr. **Yohalem**. No. No. It's better today.

Mr. **McKinney**. It's better today?

Ms. **Yohalem**. Yes.

I think that there's some truth to Dr. McKenzie's statement that the timelines are quite stringent.

On the other hand, the District has never come very close to satisfying them. It's not like we're talking about 10 or 20 days difference. We're talking about double or triple—and it used to be far more than that—the difference between the *Mills* timelines and what the District was actually doing.

And I notice that the GAO's report shows that the majority of the children in the population that they were looking at are still—it takes more than a 100 days to assess the majority. And, again, that's really double the *Mills* timeline.

Mr. **McKinney**. I tend to agree with Dr. McKenzie also. But you would probably feel, as I do, that a date certain is needed, right, even though, say, 60 is too short, maybe 90, that the amount of time should be specified and lived up to.

Ms. **Yohalem**. I think that's accurate. And I think the court might be more responsive to the District's motion to modify the timeline, which has been pending for a number of years, if the District were meeting the timelines it was suggesting.

The problem has been, the District has suggested changes in the timeline, and they weren't even close to meeting the ones that they were suggesting. And I think that the court's reaction was, come back when you're at least doing what you're asking for, and then I'll consider whether this ought to be modified.

Mr. **McKinney**. It's very difficult when a voluntary statement is made of desire and there's no intention to live up to it.

We have wandered through this thicket all day. So, I'll let you off with one other question from this department.

We have stayed away from St. Elizabeths and Lorton pretty much and concentrated on the receiving home, Cedar Knoll, Oak Hill, et cetera.

Do you know that if at all that Public Law 94-142 is being obeyed or lived up to in either one of those institutions?

Ms. **Yohalem**. I don't know about Lorton. I know that there's an outstanding separate Federal court case against St. Elizabeths Hospital that addressed a particular situation where children were receiving inadequate amounts of education.

I don't know what the status of that case is right now. I know that there had been some preliminary agreements that looked like they might resolve the problem. And I don't know whether the final agreement has been reached. I think the case is still pending in Federal court.

Mr. **McKinney**. Well, I think one of the problems that this particular Congressman has, not being a lawyer, is to really say, you know, if the court's ordered, and the cities are in contempt, and the Federal law orders, and the cities don't obey, and we've had agreement upon agreement upon agreement, I would suppose that if you took all the agreements everybody's said they have had, all, since 1966, on how they're going to handle these kids, we would probably be able to fill this room, and, yet, nothing happened.

And I really appreciate your efforts. And I thank you very much for coming before us.

Counsel?

Mr. **Hobson**. I just have one request.

Although I am, personally, familiar with the first contempt of court decree, for the record would you submit to us the—a copy of the original court decree and the two contempt citations?

Ms. **Yohalem**. Yes.

Mr. **Hobson**. The 1975 and 1980.

Ms. **Yohalem**. There also has been a modification of the 1972 standards that occurred around 1977. And I will include that as well.

Mr. **Hobson**. OK. And Ms. Shackleton, also.

STATEMENT OF POLLY SHACKLETON, CITY COUNCIL OF THE DISTRICT OF COLUMBIA

Ms. **Shackleton**. Yeah. I just wanted to thank Congressman Fauntroy, the chairman, and Mr. McKinney for inviting me to participate today. I appreciate having had the opportunity to discuss some of these problems. We were with Mr. McKinney some time ago and have had a continuing conversation.

I would like to just make note, for the record, Mr. McKinney, that I have recently proposed an amendment to a bill which I introduced, the Youth Residential Facilities Licensure Act of 1983, for which we're having a public hearing on September 27. The proposed amendment, it requires the joint monitoring by the Mayor and the board of education of the progress of those children who require the most intensive level of residential care, therapeutic care, as part of the bill.

This amendment would require the Mayor and the board of education to establish a monitoring committee to review quarterly progress reports on each child prepared by these residential facilities, whether located in the District or out of State, and to conduct an annual onsite review of the youth's progress in meeting treatment goals involving care offered by the facility.

Over the past several years, as part of our review of the D.C. Department of Human Services budget request and the various foster care goals at human services, we've consistently gone on record to urge the executive and the D.C. public schools to resolve the many issues surrounding appropriate decisions of programmatic, financial, and monitoring responsibility for children who are wards of the city.

I am concerned that there has been little progress in resolving these complex issues to date, and believe that it is appropriate that a strong monitoring process be included in this bill.

Some States rely on their membership in the interstate compact on placing of children to monitor quality of care to out-of-State places.

In 1981, our committee considered the District's participation, the District's, in this appeal. And we may offer to do that again.

And this—this—copies of this bill we're amending have gone to the executive branch, to the board of education, providers, advocates, and other interested persons not on the committee. And we will be glad to have written comments and to keep the record open until October 11.

I think that is—shows our concern, our continuing concern for these problems which are mentioned here today.

Mr. McKinney. I believe it does. It certainly does.

Counsel, do you have any other questions?

Mr. Hobson. I don't have any other questions of this witness.

I'd just like to, if I may, read the chairman's closing statement.

Mr. McKinney. Yes.

Mr. Hobson. Today, the Subcommittee on Fiscal Affairs and Health has heard disturbing testimony concerning learning and emotionally disabled delinquents in the District of Columbia.

According to the U.S. General Accounting Office, the District of Columbia is not in compliance with Public Law 94-142 or the *Mills* decree. In addition, there is an obvious lack of coordination between the District of Columbia public schools, D.C. Superior Court, and the D.C. Department of Human Services.

Finally, the U.S. Department of Education has failed to perform adequate oversight.

We have a legal and moral obligation to provide an adequate education for all children in the District of Columbia. Today's hearing shows that our obligation is not being met.

Therefore, in keeping with the responsibilites of this subcommittee, the chairman expects the D.C. public schools, D.C. Superior Court, and the D.C. Department of Human Services to develop a written plan within 90 days. Such a plan would spell out the means by which the three entities expect to coordinate activities based upon GAO's findings and recommendations to achieve compliance with Public Law 94-142 and the *Mills* decree.

Within 90 days of receipt of the written plan, the Subcommittee on Fiscal Affairs and Health will conduct a followup hearing.

The chairman will also request, on behalf of the subcommittee, that the U.S. General Accounting Office monitor the District's program.

Finally, the subcommittee's staff will be available to provide assistance.

The chairman assumes that all parties will work together to achieve legal compliance as well as to live up to our moral obligations.

Mr. McKINNEY. I would just like to say, Counsel, officially, that we will probably have other written questions to go to various different witnesses. And we will also have some more requests for other governmental agencies, particularly those investigative agencies of the District government.

I understand, as surrogate, nonchairman, ranking member, I am allowed to say go to lunch.

[Whereupon, at 1:42 p.m., the subcommittee was adjourned.]

APPENDIX

House of Representatives
Washington, D.C. 20515

MEMORANDUM

This is a Statement for the Record from a group not testifying on Tuesday, 9/10/85, Special Education hearings.

R. Messalle

STATEMENT OF THE NATIONAL PRISON PROJECT

On March 1, 1985, the District of Columbia Public Defender Service filed a lawsuit in the D.C. Superior Court on behalf of all children confined in D.C. juvenile detention facilities, including the Cedar Knoll and Oak Hill Youth Centers. Among those named as defendants are the District of Columbia; Mayor Marion Barry; Superintendent of Schools, Floretta McKenzie; the Commission of Social Services Director, Audrey Rowe; and Doris Woodson, Superintendent of Special Education. The National Prison Project of the A.C.L.U. Foundation subsequently joined the Public Defender Service in the suit as plaintiffs' counsel.

The class action seeks redress of an array of deprivations suffered by juveniles incarcerated in the D.C. juvenile facilities. Claims are made under D.C. Code provisions, the Superior Court Juvenile Rules, 20 U.S.C. §1401 (the Education for All Handicapped Children Act), and the federal constitution. Among the conditions of confinement challenged in the suit as deficient are environmental health and safety conditions; educational services; vocational training services; medical and mental health services; counseling services; abusive treatment of children; attorney/client communications; recreational services; and procedures for family visitation.

The complaint alleges, among others, the following conditions: Both facilities are poorly maintained with certain living units deteriorating and in a state of disrepair. Fire safety violations persist. There is no vocational training program at Cedar Knoll and no meaningful vocational program is provided at Oak Hill. Psychiatric services are virtually non-existent at Cedar Knoll and there is inadequate personnel and facilities for psychological care at both centers.

The complaint also alleges deficiencies in providing necessary and appropriate counseling services due to insufficient counselor training, supervision, and numbers. Due to inadequate training and supervision of staff, there are physical assaults either resident-on-resident or staff-on-resident. There are no structured recreation activities at the institutions.

Allegations are also made that policies and practices at both facilities operate to interfere with attorney/client access. Policies further result in severely limited family visiting with residents. At Oak Hill, standards for disciplining children are frequently violated resulting in impositon of punishments without adjudicatory hearings, group punishments for the acts of a single resident and periods in seclusion exceeding 7 days for a single incident of misbehavior.

With respect to educational services, the complaint specifically charges that the defendants have failed to provide adequate and appropriate special education and related services in violation of the substantive and procedural requirements of the E.H.A. and of the federal constitution. In addition, the complaint alleges violations of the children's D.C. statutory right to education.

Specifically, plaintiffs allege that the schools at the Youth Centers lack sufficient teachers (in numbers and qualifications) as well as aides and support personnel. Classes are frequently cancelled and poorly supervised. At Oak Hill, class placements are not based on educational abilities. In addition, some children at Cedar Knoll recently received no educational services for approximately three months as they were not allowed to leave their cottage to attend school.

In terms of special education services, provisions in the complaint allege that the District fails to adequately identify, evaluate, and provide special education services to the educationally handicapped. Proper tests are not given nor are sufficient appropriately trained persons employed to identify and instruct the children. Children in need of special education are inappropriately overlooked and placed in regular classrooms. Those Individualized Educations Plans which are developed are deficient. Even when services are provided under the Plans, they do not adequately serve the children's needs. Parents of educationally handicapped children along with their children are not afforded the procedural rights guaranteed under the E.H.A.

During the pendency of this lawsuit, plaintiffs' counsel will engage in the gathering of evidence to prove their claims. No trial date has yet been set in the case.

SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION

JERRY M., DAVID U., ANTHONY W., OMAR H., MAURICE B., WILLIE H., GERALD R., and RONDY S., on behalf of themselves and all others similarly situated,

by and through their Next Friend,

DONNA WULKAN
Clinical Instructor
Juvenile Rights Clinic
Developmental Disabilities Law Clinic
Antioch School of Law
2633 16th Street N.W.
Washington, D.C. 20009

Plaintiffs,

v.

Civil Action No._______

DISTRICT OF COLUMBIA,

MARION S. BARRY, Jr.
Mayor, District of Columbia
The District Building, Suite 500
14th & E Streets N.W.
Washington, D.C. 20004

DAVID E. RIVERS
Director
Department of Human Services
Government of the District of Columbia
801 North Capitol Street N.E.
Washington, D.C. 20002

AUDREY ROWE
Commissioner of Social Services
Department of Human Services
Government of the District of Columbia
Randall Building
1st & I Streets S.W.
Washington, D.C. 20024

PATRICIA QUANN
Director, Youth Services Administration
Commission on Social Services
Department of Human Services
1000 Mt. Olivet Road N.E.
Washington, D.C. 20002

GWENDOLYN TRADER
Acting Superintendent
Cedar Knoll Youth Center
2416 Cedar Knoll Road
Laurel, Maryland 20707

RAYFORD MYERS
Superintendent
Oak Hill Youth Center
3201 Oak Hill Drive
Laurel, Maryland 20707

FLORETTA McKENZIE
Superintendent of Schools
District of Columbia Public Schools
415 12th Street N.W.
Washington, D.C. 20004

and

DORIS WOODSON
Superintendent of Special Education
District of Columbia Public Schools
Webster Building
10th & H Streets N.W.
Washington, D.C. 20001

Defendants.

COMPLAINT

FRANCIS D. CARTER
CHARLES J. OGLETREE
RANDY HERTZ
REITA PENDRY
PUBLIC DEFENDER SERVICE
451 Indiana Avenue N.W.
Washington, D.C. 20001
(202) 628-1200

COUNSEL FOR PLAINTIFFS

INTRODUCTION: NATURE OF THE ACTION

This is a class action brought by plaintiffs on behalf of children who are or will be confined in juvenile detention facilities operated by the District of Columbia. The class includes (but is not limited to) children who are or will be confined at Cedar Knoll Youth Center and those who are or will be confined at Oak Hill Youth Center. These children are confined under court orders of detention (pending trial or pending disposition) pursuant to D.C. Code § 16-2313(b)(3), or under dispositional orders of commitment to the Department of Human Services pursuant to D.C. Code § 16-2320(c)(2).

Cedar Knoll Youth Center is a detention facility for children, operated by the District of Columbia, and located in Laurel, Maryland. The resident population of Cedar Knoll fluctuates from approximately 70 to 100 youths. Approximately two-fifths of the children incarcerated at Cedar Knoll are detained pending trial or disposition; the rest are committed to the Department of Human Services. Cedar Knoll is an antiquated "reform school" whose buildings have become unfit for habitation and whose programs are grossly limited and wholly inadequate. The children live in buildings that are insufficiently heated and ventilated, are infested with vermin, and have gaping holes in walls and ceilings. Without meaningful rehabilitative services, the residents are warehoused for months or years before being returned to the community.

The Oak Hill Youth Center is a maximum-security juvenile detention facility operated by the District of Columbia, and also located in Laurel, Maryland. The population of Oak Hill is approximately 150 children. Approximately one-third are detained pending trial or disposition, and the other two-thirds are committed to the Department of Human Services. The buildings at Oak Hill are newer than those at Cedar Knoll and so Oak Hill may appear on the surface to be a better facility. But, scrutiny of the rehabilitative services at Oak Hill -- the heart of any facility for caring for detained youth and treating delinquent youth -- reveals that the services at Oak Hill are as deplorably inadequate as those at Cedar Knoll.

All of the named plaintiffs in this action are currently confined in these detention facilities. The named plaintiffs include children who are detained at Cedar Knoll, children committed to Cedar Knoll, children detained at Oak Hill, and children committed to Oak Hill.

The plaintiffs contend that the totality of the conditions in these juvenile detention facilities violates statutory and constitutional requirements. The plaintiffs live under conditions that are inhumane and that inflict needless suffering. They are deprived of the educational, vocational, mental health, and other social services that they so desperately need and that defendants are obligated to provide. The totality of these conditions violates the children's statutory right to appropriate care and treatment under D.C. Code §§ 16-2313(b) and 2320 (as interpreted in SCR-Juv. Rule 2), their statutory rights to adequate educational services under D.C. Code §§ 31-401 and 31-403 and under 20 U.S.C. §§ 1401 et seq., and their rights under the Fifth and Eighth Amendments to the United States Constitution.

JURISDICTION

1. This is a civil action for declaratory and injunctive relief. This Court has jurisdiction pursuant to D.C. Code §§ 11-921(a)(2) and 11-921(a)(3)(C).

2. This action seeks to redress injuries, suffered by plaintiffs and the class they represent, for deprivation of rights secured by the Fifth and Eighth Amendments to the Constitution of the United States, and the Education of the Handicapped Act (20 U.S.C. § 1401 et seq.) These claims for relief are brought pursuant to 42 U.S.C. § 1983.

3. This action furthermore seeks relief for defendants' depriving plaintiffs and the class they represent of their rights, under the laws of the District of Columbia, to appropriate care and treatment (D.C. Code §§ 16-2313(b), 16-2320; SCR-Juv. Rule 2) and educational services (D.C. Code §§ 31-401, 31-403).

PARTIES

Plaintiffs

4. Each of the plaintiffs is presently incarcerated in a juvenile detention facility operated by the District of Columbia. Plaintiff Jerry M. is detained, pending trial, at Cedar Knoll Youth Center, and plaintiff David U. is detained, pending disposition, at Cedar Knoll. Plaintiff Anthony W. has been committed to the Department of Human Services, and was placed by the Department at Cedar Knoll. Plaintiff Omar H. is detained, pending trial, at Oak Hill Youth Center. Plaintiffs Maurice B., Willie H., Gerald R., and Rondy S. have been committed to the Department of Human Services, and placed by the Department at Oak Hill.

5. Plaintiff Jerry M. is a sixteen year old young man with educational handicaps. He has been diagnosed as functioning "in the low end of the borderline retarded range" and as needing a "full-time special education placement for emotionally disturbed adolescents." Prior to his incarceration at Cedar Knoll, Jerry attended a special education school in the community. But during his detention at Cedar Knoll, he has been placed in regular education classes with the general population. Most of the school curriculum is above his level, and he finds that the teachers invariably move through the material too quickly for him to comprehend.

6. Plaintiff David U. is a sixteen year old youth with substantial emotional problems. He has been diagnosed as severely depressed, passive-dependent, and possibly suffering from brain disfunction. Mental health professionals have determined that David needs a structured program of education and vocational training, and requires individual counseling. Yet, during the three months that David has been detained at Cedar Knoll, pending trial and now pending disposition, he has not received any educational, vocational, or psychological services at all.

7. Plaintiff Anthony W. is a thirteen year old boy with emotional problems and educational handicaps. A psychological evaluation found that Anthony's "functioning fluctuates from mentally deficient to low average," and the D.C. Public Schools determined that Anthony should be placed in a special education school program. But Cedar Knoll has consistently refused to provide Anthony with appropriate special educational services and has failed to adequately assess his educational needs.

8. Plaintiff Omar H. is a seventeen year old youth who functions in the mildly mentally retarded range and has cognitive deficits in visual-motor performance. While in the community, Omar attended a special education school. But while at Oak Hill -- during a previous period of commitment and during his present period of pre-trial detention -- Omar is deprived of appropriate special education services and attends class with the general population.

9. Plaintiff Maurice B., who is twenty years old, is committed to Oak Hill. Maurice has a history of severe abuse of PCP, and a psychiatrist has called for drug counseling for Maurice. Oak Hill, however, does not provide any such counseling for its residents. Maurice is also one of several young men who have been physically assaulted by a counselor while at Oak Hill.

10. Plaintiff Willie H. is a seventeen year old with substantial educational handicaps, who has been assessed as needing special education. Oak Hill has consistently failed to provide Willie with the special educational services that he needs.

11. Seventeen year old plaintiff Gerald R., who is committed to Oak Hill, also has major educational handicaps: he suffers from a learning disability, developmental language disorder, and has an immediately noticeable speech impediment. Yet, Oak Hill has placed him in regular classes with the general population, and has failed to provide him with speech therapy services. Although mental health professionals have determined that Gerald is in need of "individual as well as group counseling on a daily basis," he receives no psychological therapy whatsoever at Oak Hill.

12. Plaintiff Rondy S. is an educationally gifted eighteen year old who has earned his G.E.D. degree and intends to pursue higher education. Because Oak Hill will not provide -- or arrange -- college level classes for gifted children like Rondy, he spends his days working on facility maintenance and sitting in the cottage watching television. Rondy was the subject of a vicious assault by another resident, at a time when the residents were inadequately supervised by the counselors.

13. Plaintiffs bring this action by and through their next friend, Donna Wulkan, Clinical Instructor in the Antioch School of Law Juvenile Rights Clinic and Developmental Disabilities Law Clinic. Ms. Wulkan is qualified to serve as next friend for the named plaintiffs and the class which they represent, and will fully and actively advocate the interests of both the named

plaintiffs and the class. In Palmer v. Barry, C.A. 84-1077 (D. D.C. 1984), the Honorable Harold Greene appointed Ms. Wulkan as guardian ad litem for the class of all former, current and future residents of St. Elizabeths Hospital Division of Child and Adolescent Services. In that capacity, Ms. Wulkan participated in negotiations with the District of Columbia and entered into a settlement on behalf of the entire class of children.

Class Action Allegations

14. This is a class action under Rules 23(a) and 23(b)(1) and (2) of the Superior Court Rules of Civil Procedure. Plaintiffs are representative of the class which is composed of all persons presently confined in District of Columbia juvenile detention facilities or who may be so confined in the future.

15. Plaintiffs are members of the class and their claims are typical of all class members.

16. The class is so numerous that joinder of all members is impracticable. There are approximately 200-250 children currently confined in the juvenile detention facilities. In addition, there is an indeterminate number of children who may be confined in these facilities in the future.

17. The questions of law and fact presented by the plaintiffs are common to,the class. Plaintiffs live under common conditions of confinement, have common grievances and seek common relief. The basic legal issues presented by this action -- the defendants' violation of statutory and constitutional requirements for appropriate care and treatment of incarcerated children -- are common to the class as a whole.

18. Plaintiffs will fairly and adequately protect the interests of the class. The relief sought in this case, the improvement of living conditions and programs in District of Columbia juvenile detention facilities, will benefit all members of the class. Plaintiffs are represented by competent counsel who will adequately protect the interests of the class.

19. The defendants have acted and refused to act on grounds generally applicable to the class, thereby making appropriate injunctive and declaratory relief with respect to the class as a whole. Since the named plaintiffs seek to reform living conditions and programs in the juvenile detention facilities, adjudication with respect to some children confined in these facilities would be dispositive of the interests of other children not parties to the action. Prosecution of separate actions by individual children would create a risk of inconsistent or varying adjudications with respect to individual members of the class, which would subject the population of the detention facilities to varying conditions or standards of confinement.

Defendants

20. Defendant District of Columbia is a municipal corporation and is responsible for the supervision and operation of the District of Columbia Department of Human Services and the District of Columbia Public Schools. */

21. Defendant Marion S. Barry, Jr. is Mayor of the District of Columbia and is responsible for the direction and control of the District of Columbia Department of Human Services.

22. Defendant David E. Rivers is the Director of the Department of Human Services. As such, he is responsible for overseeing the enforcement of laws in District of Columbia juvenile detention facilities, and for the overall treatment, care and protection of all children confined in these facilities.

23. Defendant Audrey Rowe is the Commissioner of Social Services, and is responsible for overseeing the enforcement of laws in District of Columbia juvenile detention facilities, and for the overall treatment, care and protection of all children confined in these facilities.

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*/ In refraining from separately naming the District of Columbia's subsidiary element, the Board of Education, plaintiffs are relying on the authority of Kelley v. Morris, 400 A.2d 1045 (D.C. 1979).

24. Defendant Patricia Quann is the Director of the Youth Services Administration and is responsible for overseeing the enforcement of laws in District of Columbia juvenile detention facilities, and for the overall treatment, care and protection of all children confined in these facilities.

25. Defendant Gwendolyn Trader is the Acting Superintendent of Cedar Knoll Youth Center. As such, she is responsible both for overseeing the enforcement of laws governing the operation of Cedar Knoll and for the care, treatment and protection of all residents of Cedar Knoll.

26. Defendant Rayford Myers is the Superintendent of the Oak Hill Youth Center. As such, he is responsible both for overseeing the enforcement of laws governing the operation of Oak Hill and for the care, treatment and protection of all residents of Oak Hill.

27. Defendant Floretta McKenzie is Superintendent of Schools for the District of Columbia. As chief officer of the District's educational agency, she is responsible for ensuring adequate educational services for all children confined in District of Columbia juvenile detention facilities. She is furthermore responsible for ensuring the District's compliance with the Education of the Handicapped Act.

28. Defendant Doris Woodson is Superintendent for Special Education in the District of Columbia. As such, she is responsible for ensuring the District's compliance with the Education of the Handicapped Act.

STATEMENT OF FACTS

I. Cedar Knoll Youth Center

A. Physical Structure

29. The vast majority of residential units at Cedar Knoll Youth Center -- including both buildings housing detained youth and buildings housing committed children -- are in a state of disrepair. The living conditions in these buildings are inadequate, inhumane, and hazardous to the residents' health and safety.

30. The vast majority of residential units have substantial holes in the walls and most buildings have major holes in the ceilings. Plaster has fallen in large pieces, and in some buildings, the outer brick layer is completely exposed. This is true even in units such as Carver, Jefferson, and Bunche, which were renovated in recent years but have not been properly maintained. Conditions are particularly deplorable in Wilson Cottage, a dimly lit, decaying building whose interior walls lack large segments of bricks.

31. These residential units provide inadequate shelter from the cold during the winter months. Most of the buildings have windows that either have broken glass (which is not repaired for lengthy periods of time) or cannot be closed because of faulty closing mechanisms. Even the windows that are fully intact provide inadequate shelter, because they lack any form of insulation and the cold air pierces the window casings.

32. The fixtures and furnishings of the buildings are totally deteriorated. The walls have large strips of peeling paint. There are sofas with the stuffings either totally removed or dangling from the sofa onto the floor, and with the springs exposed. There are beds with the metal slats so bent that the bed cannot be used comfortably. Wall sockets are

totally exposed and give electric shocks when used. Many of the electrical appliances used in the residences, such as television sets and floor buffers, have stripped cords which also cause electric shocks to residents.

33. The utility services of the facility are inadequately operated and maintained. The heating and plumbing services are so old and deteriorated, that they regularly overflow, flooding areas and periodically necessitating the temporary closure of cottages. The conditions in several of the cottages violate fire safety requirements.

34. The vast majority of the cottages are infested with vermin.

35. Plaintiff Jerry M. lives in Marshall Cottage. His bed is directly adjacent to non-insulated windows that will not fully close, and opposite a broken window that has not been repaired for weeks. His building suffers from broken walls, peeling paint, ramshackle furniture, and vermin.

B. Educational Services

i. Introduction

36. The Department of Human Services has assumed the District of Columbia's responsibility for providing educational services to children who are detained or committed in the District's detention facilities. The Department of Human Services operates a school at Cedar Knoll and a school at Oak Hill.

37. The educational services at these facilities consist of essentially two types of services: (a) Academic courses paralleling the traditional school curriculum and provided to the general population of the facility [hereafter referred to as "general educational services"]; and (b) "Special educational

services" for residents who are educationally handicapped as a result of learning disabilities, mental retardation, emotional disturbance, or other developmental or organic disorders.

38. The vast majority of the children in the District's detention facilities are educationally handicapped and in need of special educational services. In addition, even among the remaining general population, there are large numbers of students who require special attention (because of behavior and adjustment problems in the school setting) and remedial tutoring (to overcome gaps in their formal education caused by sporadic school attendance in prior years).

ii. General Educational Services

39. The Cedar Knoll School is grossly inadequate. The school lacks sufficient teachers, educational aides, and support services, and employs teachers who are not adequately qualified and who are not certified under the criteria of D.C. Public Schools. The facility places children of widely ranging abilities and needs into a single class. Under these impossible teaching conditions, the teachers have abandoned even the semblance of attending to all the students in their classes. The teachers generally direct their attention to only a handful of students, while allowing the remaining students to play cards or other games in class. There are frequent absences by teachers, and the lack of any substitute teachers results in cancellations of classes during these teacher absences. Plaintiff Jerry M. attends the Cedar Knoll School, and receives an inadequate education as a result of these deficiencies in the services.

40. The defendants fail to provide any educational services whatsoever to the residents of Bunche Cottage, the auxiliary maximum security cottage. These children are not allowed to leave their cottage to attend school, and defendants do not send a teacher into the cottage to teach the children. Plaintiff

David U. resided in Bunche Cottage for approximately three months, and received no educational services during that period of time.

iii. Special Educational Services

41. Under the federal Education of the Handicapped Act, all educationally handicapped children are entitled to special education and related services. (The law explicitly extends the benefits of special educational services to children in correctional institutions.) The law requires the District to identify, evaluate, and provide special educational services to those children in its correctional facilities who are educationally handicapped. Yet, with respect to the population of children who are confined at Cedar Knoll, the District fails on all three of these requirements of identification, evaluation, and provision of services.

42. The District fails to identify the handicapping conditions of the majority of educationally handicapped children confined at Cedar Knoll, because the defendants do not properly test or evaluate these children, do not obtain their educational records from the schools that the children attended prior to their incarceration, and do not employ persons trained and qualified to identify children with specific learning and educational handicaps.

43. The District fails to properly evaluate educationally handicapped children at Cedar Knoll, in that the defendants rely heavily on tests that are administered by people who have not been properly trained to administer them, and their evaluations are made by persons who often lack specialized knowledge of the specific area of disability of the children.

44. The District violates its statutory duty to provide adequate and appropriate special educational services to all educationally handicapped children at Cedar Knoll, in all the following respects:

a. Children who are truly educationally handicapped, but have never been identified as such by Cedar Knoll are placed in regular classrooms with the general population, and thereby foreclosed from special educational services;

b. Even when the defendants do identify a Cedar Knoll resident as educationally handicapped, the deficiencies in the evaluation process result in an Individualized Education Plan that is not appropriate for the child's specific disabilities and needs;

c. Even when the defendants do prepare or obtain a proper Individualized Education Plan, the services actually provided to the child do not fulfill the specifications of the Plan and do not adequately serve the child's special educational needs. The Cedar Knoll teachers, who are assigned the responsibility for providing special education, are untrained in the specific learning disabilities from which the children suffer, and are not provided the time, resources, and equipment necessary to provide an appropriate education to these children.

45. Furthermore, in the course of evaluating and placing children, the defendants fail to afford Cedar Knoll residents and their parents the procedural rights which are guaranteed by federal law. Upon admitting children who were in special education classes in the community, the facility routinely changes the child's educational setting to a general educational class without notifying the child's parents of the change in educational placement and their right to contest the change.

when the facility itself identifies a child as handicapped and orders a preplacement evaluation to determine specific educational needs, the defendants do not notify the child's parents of the identification of a handicap or secure their written consent for a preplacement evaluation. The defendants also frequently fail to notify parents of the results of evaluations, their right to a hearing to contest the evaluation, their right to obtain an independent educational evaluation at public expense, and the nature of the tests, records, and reports relied upon to make the evaluation. Finally, in scheduling meetings for the purpose of preparing Individualized Education Plans, the defendants do not consistently observe statutory requirements for proper and timely notice to the children's parents.

46. Plaintiff Jerry M., who is currently detained at Cedar Knoll, has been placed by the facility in a regular education class with the general population. When he was educationally evaluated by Cedar Knoll staff, the staff did not identify any specific handicapping conditions or need for special educational services. The Cedar Knoll educational assessment recommended nothing more than "[t]utoring in mathematics." Yet, prior to his incarceration, Jerry was evaluated by the Superior Court Child Guidance Clinic and D.C. Public Schools as "functioning . . . in the low end of the borderline retarded range" and as requiring "[a] full-time special education placement for emotionally disturbed adolescents." Consistent with his evaluation, Jerry had been placed by D.C. Public Schools in a full-time special education school and provided with an Individualized Education Plan. When Cedar Knoll transferred him to a regular educational setting and refused to implement his Individualized Education Plan, defendants violated the substantive and procedural requirements specified in the federal statute.

47. Plaintiff Anthony W. is a thirteen year old boy with substantial educational handicaps. A Child Guidance Clinic evaluation found that Anthony's "functioning fluctuates from

mentally deficient to low average," and that he "functions at only the third grade level." The D.C. Public Schools determined that Anthony is educationally handicapped, and prepared an Individualized Education Plan for provision of appropriate special educational services to Anthony. But when Anthony was committed to Cedar Knoll, the institution's educational assessor failed to obtain his prior school records and erroneously concluded that "[t]he need for an IEP is not apparent, at this time." As a result, Anthony has been deprived of the special educational services that he needs. In changing Anthony's special educational status and declining to enforce the previously prepared Individualized Education Plan, defendants failed to comply with the substantive and procedural criteria of the federal statute.

C. Vocational Training Services

48. Defendants fail to provide any vocational training program whatsoever at Cedar Knoll. The facility offers neither shop programs nor pre-vocational counseling. Although the facility at one time had a series of shop programs, these have all been eliminated. The only remaining shop, a printing shop, has only one student in it, and is in the process of being dismantled for transfer to Oak Hill Youth Center.

49. Plaintiff Jerry M. suffers from the lack of any vocational services at Cedar Knoll. A psychological evaluation of Jerry, prepared prior to his incarceration, recommended that he "receive pre-vocational counseling to prepare him for a future career" and that he receive "[v]ocational training through high school." Upon Jerry's incarceration, a Cedar Knoll psychologist recommended that "[d]ue to the resident's age, Jerry would profit from a vocational assessment in order to determine his vocational interests and ability areas." This vocational assessment apparently was never arranged. Even if it had been, however, it would have been an exercise in futility

since there still would not have been any vocational services at Cedar Knoll for Jerry.

D. Mental Health Services

50. The mental health services offered at Cedar Knoll are inadequate to meet the needs of a resident population that has a disproportionately large number of children with mental problems and emotional disturbances.

51. The psychiatric services are virtually non-existent. Cedar Knoll receives the part-time services of psychiatrist Andres Aceituno, whom it shares with Oak Hill and Forest Haven facility for mentally retarded persons. Dr. Aceituno's services to Cedar Knoll are limited to seeing residents in emergency situations (such as suicide attempts), and he does not provide psychiatric therapy on a regular basis to residents. Even when Dr. Aceituno does see a student, his limited facility with the English language impairs communications with the child.

52. Although Cedar Knoll does have the regular services of psychologists J. Leonard Scheinker and Darwin Raymore, these psychologists are obligated to divide their time between diagnostic testing of newly committed residents and therapy. As a result, the psychological services which they offer are impaired in all the following respects:

a. The testing is often insufficiently comprehensive to detect and identify the precise mental health needs of the residents;

b. The inadequate time for therapy forces the psychologists to adopt a "triage" policy of providing therapy only to the most needy and as a result, many residents' mental health needs go unattended;

c. The facility follows a policy of denying therapy services to the entire detained population, with the exception of those children who have been court-ordered to receive therapy while detained;

d. Even when the psychology department does provide therapy to residents, it is almost exclusively group therapy, and residents' needs for individual therapy are frequently unmet.

53. Plaintiff David U. has significant mental problems. A psychiatrist with the Metropolitan Psychiatric Group found that David suffers from "significant depression," and may also be suffering from "minimal brain disfunction with perceptional problems . . . that might be even partially ameliorated by low dose antidepressant." A private psychologist recommended that David receive "[e]nrollment in individual counseling." Yet, during a previous period of commitment to Cedar Knoll and during his present period of detention at Cedar Knoll, David has not received either psychiatric or psychological therapy services. During his previous period of commitment, the Cedar Knoll psychologist concluded that: "David is not a priority candidate for mental health services. However, when resources permit, he will be considered for a counseling group. . . ."

E. Medical Services

54. The defendants have failed to secure sufficient personnel and facilities at Cedar Knoll to provide adequate medical care to the residents. There is not a physician or even a registered nurse on duty twenty-four hours a day. The counselors and other direct care staff are not adequately trained in first-aid or in how to deal with medical emergencies.

Moreover, when medical emergencies do occur, there are not adequate facilities and staff for quickly transporting residents to medical care.

55. Plaintiff Rondy S. was assaulted and seriously injured by another resident in December of 1984. He sustained major lacerations to the back of his head. There was a delay of almost an hour before counselors were able to arrange transportation for the forty minute trip to D.C. General Hospital.

F. Counseling Services, Social Services, and Direct Care

56. In every cottage of Cedar Knoll, the juvenile residents of the cottage are supervised by adult counselors. These counselors have the primary responsibility for direct care and supervision of the residents. The facility then provides "social service representatives," who have the responsibility for providing social services to groups of residents that have been assigned to them.

57. The majority of the "social service representatives" do not have the requisite training or certification to provide social work services. As a result, these workers do not do an adequate job of assessing the residents' needs, counseling the residents, and arranging for appropriate services. The "social service representatives" are not properly supervised and do not receive a consistent program of in-service training.

58. Although a large proportion of the population of Cedar Knoll suffers from drug abuse and drug dependency problems, the facility does not provide a drug counseling program for its residents.

59. Cedar Knoll does not have a sufficient number of counselors to provide direct care and supervision to all of its residents. The facility attempts to redress this deficiency by permitting counselors to work overtime for higher pay. As a

result, a large proportion of the Cedar Knoll staff works long overtime hours, often working as many as sixty or eighty hours a week. The effect upon the counselors' performance is profound: counselors fail to provide adequate supervision and care for the residents, and display irritability and short tempers in dealing with the residents.

60. Defendants fail to arrange adequate supervision of counselors' work, and fail to provide adequate and consistent training of counselors.

G. Climate of Violence

61. As a result of the following actions, omissions, and policies, the defendants have created a "climate of violence" at Cedar Knoll that pervades the daily lives of the residents:

a. The inadequate training and supervision of the counselors has resulted in a situation in which counselors periodically commit physical assaults upon the youthful residents; and

b. The staff's inadequate supervision of residents (due to the insufficiency of staff and the inadequate training of staff) has resulted in a situation in which residents are able to physically assault other residents.

These conditions not only result in physical harm to the residents who have been assaulted (by counselors or other residents), but also result in psychological harm to the remaining residents who witness these assaults and live in constant fear of being injured.

62. In October of 1984, plaintiff Jerry M. witnessed a counselor's physical assault on DeAnthony C., a seventeen year old resident. DeAnthony had spoken to the counselor in a manner that was insulting (but not threatening). The counselor grabbed DeAnthony by the throat and threw him against a wall. The counselor thereafter dragged DeAnthony across the floor of the room. DeAnthony sustained visible bruises to his neck and body as a result of this attack.

63. In December of 1984, plaintiff Rondy S., who was then residing at Cedar Knoll, was physically assaulted and seriously injured by another resident. During a period in which the residents were inadequately supervised by a counselor, a resident attacked Rondy with a wooden pole. The pole-wielding resident was able to inflict severe injuries on Rondy before a counselor learned that an assault was occurring and intervened. Because there was only one counselor on duty, he required the assistance of other residents in order to end the fight and immobilize the attacker. Thereafter, the counselor had to rely on residents to contact security and back-up counselors while he continued to restrain the attacker.

B. Recreational Services

64. The recreational program at Cedar Knoll consists of periodic basketball games and non-physical activities such as television, movies and card games. The Cedar Knoll staff do not ensure that all the residents have an adequate amount of daily major muscle activities.

65. The defendants have failed to establish an adequate, structured physical education program at Cedar Knoll. Defendants furthermore have failed to establish a program to teach leisure time recreational activities such as music and crafts.

66. Plaintiff Jerry M. spends most of his free time playing cards or watching television. The only major physical activity in which he engages is an occasional game of basketball in the institution's gymnasium.

I. Procedures for Attorney-Client Communications

67. In both their visitation policies and telephone policies, defendants improperly interfere with attorneys' access to their clients.

68. If an attorney wishes to meet with a detained client, defendants will transport the child to the Receiving Home. But defendants have failed to establish sufficient interview rooms at the Receiving Home. As a result, attorneys frequently are unable to meet with their clients because all of the rooms are already filled by other attorneys, probation officers, or mental health professionals.

69. Defendants have, moreover, adopted a policy of precluding transportation of committed residents to the Receiving Home for the purpose of attorney-client meetings. As a result, an attorney representing a child in a post-commitment proceeding must travel to Laurel, Maryland to meet with his client.

70. The defendants have adopted a policy of closing Cedar Knoll's telephone switchboard in the evenings, and thereby precluding any calls to residents during the evening hours. The defendants have in this manner severely impaired attorney-client communications since attorneys who are in court all day often must use the evening hours to call clients.

J. Procedures for Family Visitation

71. For the children at Cedar Knoll, like all children, the emotional bonds to their parents are a crucial stabilizing and shaping influence on the child's development. Because children

confined at Cedar Knoll are physically separated from their parents, many for the first time in their lives, it is vital that the children be permitted frequent contact with their parents.

72. The defendants have adopted policies that have the effect of limiting committed children's family visits to one day a month. Defendants technically permit visits every weekend. However, most of the children's parents are impoverished and do not own automobiles that they can drive to Laurel, Maryland. The defendants do operate a bus that will transport detained children's parents from the Receiving Home to Cedar Knoll for visits with their children, but defendants limit the use of this bus by committed children's parents to one day a month.

II. Oak Hill Youth Center

A. Physical Structure

73. Although the physical structure of Oak Hill is not as decrepit as Cedar Knoll's, Oak Hill suffers from several structural flaws and defects. In many of the cottages, there are holes in ceilings and walls, broken windows, and broken lights. Appliances such as refrigerators, telephones and air vents, constantly malfunction. Several of the cottages are infested with vermin.

74. Many of the cottages fail to comply with fire safety requirements. There are fire extinguishers which are empty and need to be re-charged. The keys to fire boxes and extinguishers frequently are not kept on the unit, and therefore these protective devices are inaccessible in an emergency.

75. The cottages at Oak Hill are not designed to protect residents from extreme weather conditions. In the winter months, the lack of adequate insulation allows the cold air to pierce the walls and window frames. During the intense heat of

the summer months, the lack of air conditioning in the cottages renders the children's rooms almost unbearable.

76. Plaintiff Gerald R. lives in a cottage that is always cold during the winter. He has tried putting cardboard in the window of his room as insulation, but this is not sufficient to keep out the cold air.

B. Educational Services

77. The Department of Human Services has assumed the District's obligation for providing educational services to children who are detained at or committed to Oak Hill. As at Cedar Knoll, the vast majority of the Oak Hill residents are educationally handicapped and in need of special educational services. In addition, even the remaining students, who are capable of attending general educational classes, often require special attention (because of behavior and adjustment problems in the school setting) and remedial tutoring.

1. General Educational Services

78. The defendants have organized Oak Hill School in a manner that totally frustrates any hope of providing a meaningful education to the residents. Rather than placing students in classes according to their educational abilities, the defendants have organized classes by cottage grouping: a cottage of 20 residents will attend class together. But residents' cottage placements are randomly selected, and the educational abilities within each cottage vary widely. Thus, a single teacher will be confronted with a cottage group whose abilities range from third-grade to college level. Given these teaching conditions and the lack of sufficient educational aides and supportive services, the Oak Hill teachers generally tailor their curricula to the low median level of the group and ignore the academic needs of students above and below that level.

79. Plaintiff Rondy S. is a very bright eighteen-year old who has completed his G.E.D. degree and has been assessed as capable of performing well on a college level. Rondy would like to pursue higher education. But Oak Hill has done nothing to arrange college-level courses for him. Rondy spends his days working on facility maintenance and sitting in the cottage watching television.

ii. Special Educational Services

80. As at Cedar Knoll (see paragraphs 41-45), the defendants fail to fulfill their federal statutory duties to identify, evaluate, and provide appropriate special education and related services to educationally handicapped children who are confined at Oak Hill Youth Center.

81. The defendants fail to identify the handicapping conditions of these children because the defendants do not properly test or evaluate the children, do not obtain their educational records from their prior community-based schools, and do not employ persons trained and qualified to identify children with specific learning and educational handicaps.

82. The evaluation procedures employed at Oak Hill are deficient, in that defendants rely heavily on tests administered by people who have not been properly trained to administer them, and the evaluations are conducted by persons lacking specialized knowledge in the specific areas of disability.

83. The defendants violate their duty to provide appropriate special educational services to all handicapped Oak Hill residents, in that: (a) Children who are truly handicapped, but have never been identified as such by Oak Hill, are placed in regular classrooms and foreclosed from special educational services; (b) Defendants fail to prepare Individualized Education Plans appropriate to the specific needs of the handicapped children, even when the facility does identify their handicaps; and (c) Even when defendants do prepare or obtain a

proper Individualized Education Plan, the services actually provided to the child do not fulfill the specifications of the Plan and do not adequately serve the child's special educational needs.

84. In the course of evaluating and placing children, the defendants furthermore fail to afford Oak Hill residents and their parents their procedural due process rights. Defendants fail to properly notify residents' parents of changes in their children's educational settings, identifications of handicaps, and scheduling of meetings to prepare Individualized Education Plans, fail to obtain these parents' written consent for preplacement evaluations, and fail to properly advise these parents of their procedural rights to contest the facility's evaluation.

85. The defendants have failed to identify the educational handicaps of Gerald R., who attends regular educational classes at Oak Hill School. Private psychiatric and psychological assessments of Gerald found that he suffers from a learning disability, developmental language disorder, and is in need of special educational services. Yet, when Gerald was evaluated by Oak Hill's educational assessor, the assessor failed to recognize Gerald's handicaps or recommend special education classes.

86. The defendants have similarly failed to adequately evaluate the educatfonal needs of plaintiff Omar H. While in the community, Omar was found to be educationally handicapped and was placed in a special education school. A Child Guidance Clinic evaluation determined that Omar functions in the mildly mentally retarded range and suffers from cognitive deficits in visual-motor performance. But Oak Hill has chosen to place Omar in a regular education setting with nothing more than Chapter I supplementary services. In changing Omar's special educational status, defendants failed to comply with the substantive and procedural criteria of the federal statute.

87. Plaintiff Willie H. was identified as educationally handicapped by the Oak Hill staff. But, in evaluating Willie and preparing an Individualized Education Plan, the defendants failed to comply with the substantive and procedural requirements of the federal statute. Moreover, the facility does not actually provide Willie with the services promised in his Individualized Education Plan.

C. Vocational Training Services

88. Vocational training should be a vital component of the Oak Hill rehabilitative program. The residents of Oak Hill tend to be older than those at Cedar Knoll; most of the Oak Hill residents are between the ages of 16 and 19. Because of their academically deprived backgrounds, most of these youths have little prospects for or interest in pursuing higher education and professional careers. They intend to enter the job market as quickly as possible, but their lack of any vocational skills renders them virtually unemployable. If Oak Hill is to fulfill its function of rehabilitating these youths and preparing them for a productive future, then adequate vocational training is crucial.

89. In spite of these compelling considerations, the defendants fail to provide meaningful vocational training at Oak Hill. The only true vocational training class taught by a qualified instructor, is a class in barbering. The class serves only a handful of students. Moreover, the class is of marginal value since it teaches only traditional barbering, rather than the more competitive skill of hair-styling.

90. Plaintiff Gerald R., who is committed to Oak Hill, suffers from the lack of vocational training services. A private psychiatrist and psychologist found that Gerald needs such services, and even the diagnostic staff at Oak Hill concluded that Gerald needs to "learn a marketable skill." Nevertheless, defendants have not made any provision for his learning such a skill while at Oak Hill.

91. When plaintiff Maurice B. appeared for disposition, the Probation Department's social summary recommended that Maurice "be committed to DHS and that he be prepared for vocational training and employment during his time at the Children's Center." Maurice, who was committed to Oak Hill and is now twenty years old, is in the barbering class. Even after he completes this class, his prospects for employment will have been only marginally improved.

D. Mental Health Services

92. The psychiatric services at Oak Hill are provided on a part-time contractual basis by Dr. Andres Aceituno, who provides 20 hours of services per week, and Dr. William Goldstein, who provides 10 hours per week. As earlier described (see paragraph 51, supra), Dr. Aceituno has difficulties in communicating with residents because of his limited facility with the English language. In continuing to retain his services, and indeed relying on him for the bulk of psychiatric services at Oak Hill, defendants have violated their duty to provide children at Oak Hill with adequate psychiatric assistance.

93. Defendants employ only two psychologists, Robert Diener and Samuel Stayton, to provide therapy services for all of Oak Hill and also to prepare psychological assessments of all newly committed children. As a result, defendants have curtailed therapy services in the following manner:

a. The defendants deny therapy services to the entire population of detained children, with the exception of those children for whom therapy has been court-ordered;

b. Among the committed population, defendants reserve therapy for the most disturbed residents and thereby deny services to children who, although only mildly disturbed, are in need of therapy.

94. Plaintiff Gerald R. has substantial mental health needs. A private psychiatrist who examined Gerald at length, found that he suffers from major recurrent depression and needs "individual as well as group counseling on a daily basis." A private psychologist similarly concluded that Gerald should "[p]articipat[e] in counseling." Nonetheless, during the five months that Gerald was confined in pre-trial and pre-disposition detention at Oak Hill, he received no mental health services whatsoever. When Gerald was subsequently committed to Oak Hill, the facility psychologist did not review court records containing the prior psychiatric assessment of Gerald. Gerald was not placed into therapy and does not receive any mental health services at Oak Hill.

E. Medical Services

95. At Oak Hill, like at Cedar Knoll, the defendants fail to provide twenty-four a day medical services by a physician or even a registered nurse. The counselors and other direct care staff at Oak Hill are not trained in first-aid or how to deal with medical emergencies. If a resident sustains a serious injury during the evening or weekend hours when the nurse is off-duty, the counselors frequently defer any action (or medical attention) until the nurse's return. Moreover, even when the counselors perceive the need to transport the resident to the hospital at Forest Haven or to D.C. General Hospital, there are inadequate procedures, staff and facilities for rapidly transporting the resident.

96. Plaintiff Gerald R. was severely injured in November of 1983 when he was struck in the mouth by another resident. One of his teeth was knocked out, two other teeth were loosened, and he was bleeding from the mouth. The injury occurred at night, and the counselors did not take him for any medical attention that night. The following day, at Gerald's insistence, he was

taken to the dentist. But the facility has never arranged for Gerald to receive the replacement tooth he needs.

F. Counseling Services, Social Services, and Direct Care

97. Like at Cedar Knoll, defendants deal with staff shortages at Oak Hill by allowing counselors to work over-time for higher pay. Many of the counselors at Oak Hill work as many as sixty to eighty hours in a single week. As a result, they are irritable and short-tempered with the residents and fail to provide adequate supervision and care.

98. Defendants fail to arrange adequate supervision of counselors' work, and fail to provide adequate and consistent training of counselors.

99. The caseworkers (or "social service representatives") at Oak Hill, like those at Cedar Knoll, lack the requisite training and certification to provide social work services. As a result, these workers fail to adequately assess residents' needs, counsel the residents, and arrange for appropriate services. The caseworkers are not properly supervised and do not receive a consistent program of in-service training.

100. Although a large proportion of the population of Oak Hill suffers from drug abuse and drug dependency problems, defendants fail to provide any drug counseling to these children. (Although the facility at one time provided a drug counseling program for a small number of residents, that program has been discontinued.) Even in cases in which the court has specifically ordered drug counseling for a particular child, defendants frequently fail to provide or arrange for such counseling.

101. Plaintiff Maurice B. came to Oak Hill with a history of severe abuse of PCP. Recognizing this problem, the Oak Hill psychiatrist stated: "A drug rehabilitation program is clearly indicated and necessary for Maurice. It should begin as soon

as possible." Yet, defendants fail to provide Maurice with any drug counseling.

G. Climate of Violence

102. Like at Cedar Knoll (*see* paragraphs 61-63, *supra*), the defendants have created a climate of violence at Oak Hill. Inadequately trained and supervised counselors, short-tempered from long over-time hours, periodically assault the children who are in their care.

103. As a result of the counselors' inadequate supervision of the residents, there are frequent assaults of residents by other residents. The defendants, moreover, have failed to establish classification procedures that would place children in cottages on the basis of their age and physical stature; children are randomly assigned to cottages, and children of varying ages and sizes all live in the same cottage.

104. As a result of these actions and omissions of the defendants, many of the children residing at Oak Hill suffer physical harm. The remaining residents suffer psychological harm from living in an atmosphere of constant fear and violence.

105. Plaintiff Maurice B. is one of the children who was physically assaulted by a counselor. In January of 1985, an Oak Hill counselor responded to what he perceived as impertinence on Maurice's part by physically striking Maurice with his fist.

106. In November of 1983, during a period of inadequate counselor supervision of the residents, another resident assaulted plaintiff Gerald R. and knocked out one of his teeth, loosened two other teeth, and left Gerald bruised and bloody.

H. Procedures for Disciplining Residents

107. In an Order issued on November 3, 1976, the Family Division in In re Savoy, J-4808-70, established detailed procedures for disciplining children who are confined in District of Columbia juvenile detention facilities. The defendants subsequently incorporated these procedures into Institutional Rule 4.12.

108. The defendants, however, have failed to take the steps necessary to ensure that these procedures are followed on a daily basis by the direct care staff of Oak Hill.

109. In contravention of the standards established in In re Savoy and Rule 4.12, the Oak Hill counselors frequently impose punishments without an adjudicatory hearing, impose periods of seclusion exceeding 7 days for a single incident of misbehavior, and impose "group punishment" of an entire unit for the transgressions of a single resident of that unit.

110. In one of these episodes of "group punishment," plaintiff Maurice B. and all the boys in his unit were placed in seclusion as punishment for one of the boys' throwing a snowball at another cottage.

I. Recreational Services

111. The recreation program at Oak Hill consists of basketball in the gymnasium, billiards in the cottage, and non-physical activities such as television, movies and card games. The Oak Hill staff do not ensure that all the residents have an adequate amount of daily major muscle activities.

112. The defendants have failed to establish an adequate, structured physical education program at Oak Hill. Defendants furthermore have failed to establish a program to teach leisure time recreational activities such as music and crafts.

113. Plaintiff Willie H. spends his free time playing cards or watching television. The only major physical activity in which he engages is an occasional basketball game in the gymnasium.

J. Procedures for Attorney-Client Communications

114. In both their visitation policies and telephone policies, defendants improperly interfere with residents' access to their attorneys.

115. If an attorney wishes to meet with a detained client, defendants will transport the child to the Receiving Home. But defendants have failed to establish sufficient interview rooms at the Receiving Home. As a result, attorneys frequently are unable to meet with their clients because all of the rooms are already filled by other attorneys, probation officers, or mental health professionals.

116. Defendants have, moreover, adopted a policy of precluding transportation of committed residents to the Receiving Home for the purpose of attorney-client meetings. Consequently, an attorney representing a child in a post-commitment proceeding must travel to Laurel, Maryland, in order to meet with his or her client.

117. The defendants have adopted a policy of closing Oak Hill's telephone switchboard in the evenings, and thereby precluding any calls to residents during these hours. The defendants' policy severely impairs attorney-client communications since attorneys who are in court all day must use the evening hours to call clients.

K. Policies for Family Visitation

118. Like at Cedar Knoll (see paragraphs 71-72, supra), the defendants limit their provision of free transportation for

committed children's parents to one day a month. Since many of the children's parents are impoverished and do not own cars, they cannot travel to Laurel to visit their children on more than this single occasion each month.

119. When plaintiff Willie H. was committed to Oak Hill, the facility's psychologist reported that Willie needs "emotional support" and that the facility should "[e]ncourage frequent visiting by Willie's family as long as he remains at Oak Hill." Notwithstanding any encouragement that may or may not have occurred, Willie's family cannot visit him more than one day a month because they are impoverished and must rely on the limited transportation facilities provided by defendants.

CAUSES OF ACTION

120. With respect to each of the following Counts, plaintiffs re-allege and incorporate by reference all of the allegations contained in paragraphs 1 through 119.

COUNT I

121. The totality of the conditions in the District of Columbia juvenile detention facilities, including the physical structures, programs, practices and policies, violates detained and committed children's rights, under the laws of the District of Columbia, to appropriate care and treatment. The totality of conditions also violates these children's statutory rights to an appropriate education under the laws of the District of Columbia and the laws of the United States, their right to rehabilitative treatment under the due process clause of the Fifth Amendment, and their Fifth and Eighth Amendment rights to be free from harm, unnecessary restraint, and cruel and unusual punishment.

COUNT II

122. Defendants have failed to provide detained and committed children confined in District of Columbia detention facilities with suitable and adequate educational services, in violation of these children's statutory rights to appropriate care and treatment under D.C. Code §§ 16-2313(b) and 16-2320 (as interpreted in SCR-Juv. Rule 2), their statutory right to education under D.C. Code § 31-401, and their rights under the Fifth and Eighth Amendments. In failing to provide adequate and appropriate special education and related services, defendants have furthermore violated the substantive and procedural requirements of the Education of the Handicapped Act (20 U.S.C. § 1401 *et seq.*), D.C. Code §§ 31-401, and 403, and the Fifth and Eighth Amendments.

COUNT III

123. By failing to provide adequate medical services and adequate mental health services to the detained and committed residents of juvenile detention facilities, defendants have violated these children's statutory rights to appropriate care and treatment under D.C. Code §§ 16-2313(b) and 16-2320 (as interpreted in SCR-Juv. Rule 2), their right to "related services" under the Education of the Handicapped Act (20 U.S.C. § 1401 *et seq.*), their Fifth and Eighth Amendment rights to be free from harm and cruel and unusual punishment, and their Fifth Amendment right to rehabilitative treatment.

COUNT IV

124. By failing to provide humane and safe living conditions in the juvenile detention facilities, defendants have violated detained and committed children's rights to appropriate care and treatment under D.C. Code §§ 16-2313(b) and 16-2320 (as interpreted in SCR-Juv. Rule 2), their Fifth and Eighth

Amendment rights to be free from harm and cruel and unusual punishment, and their Fifth Amendment right to rehabilitative treatment.

COUNT V

125. The defendants' failure to provide adequate vocational training services, counseling and social services, and recreational services, and their failure to provide adequate means for parental visitation violates detained and committed children's rights to appropriate care and treatment under D.C. Code §§ 16-2313 (b) and 16-2320 (as interpreted in SCR-Juv. Rule 2), their right to "related services" under the Education of the Handicapped Act (20 U.S.C. § 1401 et seq.), their Fifth and Eighth Amendment rights to be free from harm and cruel and unusual treatment, and their Fifth Amendment due process right to rehabilitative treatment.

COUNT VI

126. The defendants' failure to provide adequate facilities for attorneys' communications with and visits with children confined in District of Columbia juvenile detention facilities violates these children's Fifth Amendment due process right to access to the courts and legal assistance.

COUNT VII

127. The climate of violence prevailing in District of Columbia juvenile detention facilities (including direct counselor abuse of residents and counselors' failure to protect residents from other residents) and the excessive and improper use of seclusion and other disciplinary sanctions violates detained and committed children's rights to appropriate care and treatment under D.C. Code §§ 16-2313(b) and 16-2320 (as interpreted in SCR-Juv. Rule 2), their Fifth Amendment due

process rights to receive adequate treatment and to be safeguarded from summary punishment, and their Eighth Amendment right to be free from cruel and unusual punishment.

RELIEF REQUESTED

WHEREFORE, plaintiffs pray for the following relief:

1. That this Court determine, pursuant to Rules 23 and 23-I of the Superior Court Rules of Civil Procedure, that this action is a proper class action and that plaintiffs are proper class representatives;

2. That the Court enter a declaratory judgment, pursuant to Rule 57 of the Superior Court Rules of Civil Procedure, declaring that the totality of the circumstances of confinement -- the facilities, conditions, programs, practices and policies -- at the District of Columbia juvenile detention facilities violates plaintiffs' rights to adequate care and appropriate treatment under the laws of the District of Columbia and the laws of the United States, and their rights to due process of law and to be free from cruel and unusual punishment as guaranteed by the Fifth and Eighth Amendments to the Constitution of the United States;

3. That the Court grant injunctive relief, pursuant to Rule 65 of the Superior Court Rules of Civil Procedure, enjoining defendants, their agents, employees and those acting in concert with them from interfering with plaintiffs' rights under the laws of the District of Columbia, the laws of the United States, and the Constitution of the United States, and specifically enjoining defendants from failing to:

a. Provide appropriate, humane, and safe living conditions in the residential units;

b. Provide adequate and appropriate educational services (for both the general population and for educationally handicapped children) and comply with all substantive and procedural requirements of the Education of the Handicapped Act;

c. Provide sufficient and adequate vocational training services;

d. Provide sufficient and adequate mental health services, including both psychiatric and psychological services, and including assessments and individual and group therapy;

e. Provide sufficient and adequate medical services;

f. Provide adequate and appropriate counseling services (including drug counseling), social services, and direct care and arrange the staff training programs necessary to guarantee these services;

g. Provide the staff training and supervision, and take such other steps as are necessary, to preclude counselor assaults upon residents and resident assaults upon other residents, and end the "climate of violence" that currently prevails in the juvenile detention facilities;

h. Ensure the promulgation of and staff compliance with procedures for disciplining students that are in accordance with prior decrees in In re Savoy and that fully protect the rights of residents;

i. Provide adequate recreational services;

j. Adopt all procedures necessary for ensuring that all children have adequate access to their legal counsel, both by telephone and in meetings in person;

k. Adopt all procedures and take all steps necessary to ensure that all detained and committed children have sufficient opportunity for visits at least every week by their parents and other close relatives.

4. That the Court grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

FRANCIS D. CARTER
Director
Bar No. 164376

CHARLES J. OGLETREE
Deputy Director
Bar No. 272658

Randy Hertz
RANDY HERTZ
Staff Attorney
Bar No. 335596

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COUNSEL FOR PLAINTIFFS

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DATED: March 1, 1985

GEORGETOWN UNIVERSITY LAW CENTER
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JOHN R. KRAMER
Associate Dean
for Clinical Programs

September 18, 1985

Roberta Messalle
Senior Minority Assistant
U.S. House of Representatives
Committee on the District of Columbia
Room 1307 Longworth Building
Washington, D.C. 20515

Dear Roberta,

Enclosed you will find the statement which I hope you will include in the materials being prepared for the recent hearings before the Subcommittee on Fiscal Affairs and Health. I hope you find them useful. If there is anything else we can do please feel free to call us.

Sincerely,

Wally

Wallace J. Mlyniec

HEARINGS ON THE DISTRICT OF COLUMBIA
SPECIAL EDUCATION FOR
DELINQUENT CHILDREN

prepared by

Wallace J. Mlyniec, Director
Georgetown University Law Center
Juvenile Justice Clinic

U.S. House of Representatives
Committee on the District of Columbia
Subcommittee on Fiscal Affairs and Health
September 10, 1985

My name is Wallace Mlyniec and I am Director of Georgetown University Law Center Juvenile Justice Clinic. For the past twelve years the Juvenile Justice Clinic, along with other national and local organizations, has sought to protect the rights of minors and to advance the cause of fair treatment and full development for children. To that end we have concerned ourselves with the plight of children whose needs have been ignored by either government agencies or by parents. We are especially concerned with the educational problems faced by children who run afoul of the law in the District of Columbia. We welcome the opportunity to discuss this issue because we see it as a problem of both local and national concern.

In the past twelve years the Clinic has represented the interests of approximately 2,000 children. The majority of these children have been accused of crimes. Others have been brought before the District of Columbia Superior Court upon allegations that they have been abused or neglected by their parents. It is safe to say that the majority of the children that we have encountered have been functioning at an educational level below that normally expected of a child of his or her age. Few of the children are reading at an expected level. Most of the children have not developed mathematical skills that one would expect at their age level. It is safe to say that most of those children we represent who are charged as delinquents generally perform on a level four grades below that one would expect. Many have organic problems which have caused these educational deficits. Many others have unmet emotional needs which have resulted in educational deficits. Many have just not received adequate attention. While it is undoubtedly clear that an educational deficit does not cause delinquent behavior, I have always been struck by the high correlation between educational deficits and delinquent behavior. I have also always been struck by the fact that these educational deficits have not been discovered by the District of Columbia school system prior to the time the children come to court. If the directives of Federal law and local regulation were adequately being implemented, these educational problems would have been discovered earlier.

The blame for this lack of discovery could lie in many places. Often parents are unconcerned. Sometimes children themselves are out of school more often than they are in and consequently no serious activity can be undertaken by school personnel to remedy their problems. Sometimes a child is disruptive to the extent that he becomes the one least likely to obtain necessary supervision by teachers or parents. Funding problems, bureaucracies, and a host of other reasons could conceivably be the blame. We do not know where the problem lies in each particular case. We do know, however, that an inordinate number of children coming before the court endure some form of educational deficit.

Once a child comes into the court system very little occurs to change these educational patterns. The majority of children coming before the Superior Court spend little time in secure custody. Many cases are dismissed, permitting the children to drift back into the community to continue to experience their educational problems without additional assistance. In other cases, the children are placed on probation. If a child has a good probation officer, not a guaranteed result, that person often attempts to remedy educational problems. If he does, he will encounter the same road blocks that parents do in obtaining specific assessments required in order to develop the IEP or encounter problems with parents of the chidlren themselves. Procuring the psychological, psychiatric and education assessments is difficult. Private assessments are expensive and those done at Logan School by the District of Columbia public school system take an unnecessarily long time. The delays and inconvenience often results in an end to a parental efforts to secure appropriate education. Further, court supervision of people on probation typically lasts for one year. Many of the children's educational problems know no such time tables. They require remedies that require monitoring beyond a one year period. Once probation expires the probation officer leaves the case. Again the child and his family are left to their own resources, often in a position similar to that in which they were prior to coming before the court.

Children who are found guilty and committed to the Department of Human Services are generally those most in need of care and supervision. Usually, one of the areas most in need of attention is the educational deficit. Our experience in the Clinic indicates that most of the children committed to the Department of Human Services do not really obtain any serious services designed to alleviate educational problems. One reason for this is structural. Given the differences in the educational levels of children coming through the Oak Hill facility, it would be impossible to develop an educational program to meet the needs of all the children residing there. On the other hand, the educational needs of the children at the Oak Hill facility are not given a particularly high priority. Neither the Oak Hill School nor its teachers are accredited. Children are grouped by Cottage rather than educational ability for school purposes. Thus a teacher has to teach at different levels simultaneously. Remedial tutoring and speech therapy are non-existant. Services for children with emotional problems are weak. There has been very little effort to coordinate the work of the District of Columbia school system with that of the Department of Human Services to meet the needs of the children at Oak Hill. Neither regular education programs nor special education programs receive any support from the District of Columbia public school system.

Aftercare services have been notoriously lax at the Department of Human Services. When a child leaves the institution, the Department of Human Services aftercare program does little more than insure that the child is enrolled in school when he is released. Reenrollment, of course, cannot take into account any progress at Oak Hill given the unaccredited nature of its program. The time there is essentially educational dead time. Even when aftercare is effective, the District of Columbia public school system can be an impediment to growth. It appears that an individual principal can refuse to take a released child back into his school. This discretion seems inconsistent with the law. If an IEP has been developed at Oak Hill, which sometimes occurs, the District of Columbia public schools will not accept it, thus forcing the special education evaluation process to begin anew.

Those children who are identified by their lawyers or by the court as being in need of special education services in a residential treatment facility enter into a bureaucratic morass. The residential review committee established by the District of Columbia government to deal with educational and therapeutic placements has never been particularly helpful. Most lawyers believe that the committee spends more time making it difficult for a child to receive residential educational services than it does making them available. Delays are common. Cooperation is lacking. Relations are strained. Again there are many reasons for this. The cost of out-of-state special education facilities is high. When that money is spent on these programs, there is no corresponding reduction in the costs of education within the city. Indeed these outside placements probably create a considerable drain on very limited resources. Nonetheless on any number of occasions, judges have been forced to order the District to pay for special education placements because the decision by the Residential Review Committee denying a request for special education and residential treatment is so obviously inappropriate.

Many of the children in these out-of-state facilities receive adequate educational assistance. On the other hand, the monitoring of these placements is lax to nonexistant. Thus no one is really sure what has been accomplished. Further, when the children return from these facilities to the District of Columbia, little is done to ease the transition. Consequently many of the gains achieved at the treatment facility are rapidly lost through inappropriate educational and residential placement and insufficient monitoring at home. Finally, use of these facilities is necessary primarily because few programs have been developed locally.

My purpose today is not to blame anyone for the shortcomings in this system. I am a long time resident of the District of Columbia and have watched parts of the D.C. school system improve dramatically over the last ten years. Nor do I wish to suggest that the District of Columbia is an isolated violator. These hearings could probably occur in any state or large city in America and produce the same results. The problems involved in special education are complex, requiring large expenditures of money and a high degree of effort by a great many people. To some extent, the federal government bears some blame for providing insufficent financial assistance to the states and the District of Columbia. Federal promises are meaningless if the state is in no position to pay for it. Nonetheless, more can be done at home. District of Columbia public schools and District of Columbia Department of Human Services have just not concentrated their efforts on these children. Perhaps they are seen as less deserving because of their crimes. Perhaps education is just one problem of the child and others get higher priority. Whatever the reasons, they are shortsignted. As I have said in other contexts regarding these children, we pay now or we pay later. If later, we pay dearer. Oversight by this Committee is important and I welcome the members' concern. I hope that these hearings will produce a more concerted effort by the Federal government, the Department of Human Services and the District of Columbia public school system to address the needs of these children.

The State
Advisory Panel
on Special
Education
for the
District of
Columbia

February 19, 1985

Dr. Doris A. Woodson
Assistant Superintendent
Division of Special Education
D.C. Public Schools
Webster School Building
Tenth & H Streets, N.W.
Washington, D.C. 20001

[illegible]

ichela M. Perrone, Ph.D.

Kennedy Institute

chanan Street, N.E.
ngton, D.C. 20017

202/529-7600

Dear Dr. Woodson:

In response to your letter of October 29, 1984, the State Advisory Panel on Special Education for the District of Columbia submits the following comments:

Aspects of unmet needs 2, 5, and 7 were covered during the public hearing of March 18, 1984. The hearing was taped, and Dr. David Burket and Mr. Larry Waxler from your staff were present.

Aspects not covered during the public hearing were reported to State Advisory Panel members and discussed during the March, May, and September, 1984, meetings. They were as follows:

Unmet Need No. 2:

- Inadequate notice was provided for the provision of screening for children. At least one agency and a number of parents received the information only three days prior to the first scheduled screening.
- The diagnostic procedure for pre-school children starts at or after the child's third birthday. The child does not receive actual services until age four or over. We recommend that the diagnostic process start prior to age three, if possible, and that actual services be provided at or shortly after age 3.

[illegible] State Advisory Panel
for [illegible]

- The Tyler Vision Program has no bilingual services.

Unmet Need No. 5:

- Some children with visual impairments and multiple disabilities are placed in programs with teachers whose primary (or only) expertise is visual impairment. The children's multiple disabilities require the expertise of teachers with backgrounds in teaching children with multiple handicaps.

- Some children with severe emotional problems are placed in classrooms or learning centers equipped to teach students with mild handicapping conditions. The teachers asked to work with students with severe emotional disturbances are not receiving special training. If some of these placements are considered interim placements, a firm deadline should be established for determination of the permanent placements.

Unmet Need No. 6:

- In the vision program, psychological and social work services are nonexistent. Students are placed at Sharpe Health School because of the onsite availability of related services. They could benefit from being educated in a less-restrictive environment.

- Numerous parents have reported to State Advisory Panel members that students are not receiving related services to the extent written in their Individual Education Plans.

Unmet Need No. 7:

- State Advisory Panel members believe that it should be incumbent upon the administration to investigate practices outlined in this item. State Advisory Panel members have reported services being erased from Individual Education Plans by D.C. Public School staff. Should you decide to investigate this matter, please feel free to request the assistance of State Advisory Panel members.

- It has been reported to State Advisory Panel members that learning centers and resource rooms in junior high schools are understaffed.

Unmet Need No. 8:

- State Advisory Panel members are aware of the presence of at least one handicapped child placed in a regular educational setting with no support/related services.

- Safety and accessibility are not available at Roosevelt.

- Some physically handicapped children attending local neighborhood schools are not able to go up steps.

- A child in need of special education could only be seen by a resource teacher (in a regular school) twice a week. The parents requested more frequent and consistent intervention which was needed by the child. The student was returned to a segregated special education setting.

We hope these examples are helpful and satsify your inquiry for further detailed clarification. If we may be of further assistance, please do not hesitate to contact us.

Sincerely yours,

Michela Perrone

Michela M. Perrone, Ph.D.
Chairperson

jej-r

Office for Special Services
and State Affairs

Division of Special Education
and Pupil Personnel Services

Webster Building
10th and H Streets, N.W. Washington, D.C. 20001

October 29, 1984

Michele M. Perrone, Ph.D.
Kennedy Institute
801 Buchanan Street, N.E.
Washington, D.C. 20017

Dear Dr. Perrone:

The State Advisory Panel Annual Report indicated specific unmet educational needs regarding District of Columbia handicapped students. In order that these identified needs may be appropriately addressed by the SEA, you are asked to provide specific information on which certain items in the report were based. Items two, five, six, seven, and eight will require that you supply this office with data on which to base future action.

Your cooperation in providing information regarding the items noted as soon as possible will enable this office to address these concerns promptly. I shall look forward to your reply.

Sincerely,

Doris A. Woodson
Doris A. Woodson
Assistant Superintendent

11/2/84

DAW:leh

Dear State Advisory Panel member:
we have to discuss this at our
Nov 14th meeting.
PLEASE COME & please come PREPARED

Michele Perrone

NOV 0 1984

DC PARENTS
OF LEARNING DISABLED CHILDREN
4320 Fessenden NW Washington DC 20016 - 362-3406

Testimony to the House Committee on the District of Columbia

Monday, September 10, 1985
(WC Banta, Recording Secretary, DCPLDC)

DC Parent of Learning disabled Children has been in existence for over a year now. We formed for what we thought was a short-term job: getting the District government to restore $8,000 for summer programs for LD kids. When we started talking to each other we found out that each parent in our group had a horror story to tell about the DC school system and how it had bungled their child's case. Not just inconveniences - real horror stories that would have led to serious violations of their children's rights if the parents had not gone to court to fix it. Then we spoke to to other parents and found that they had horror stories, too. We have a hard time finding parents who don't. We began to think that about all those other parents out there, those who can't afford lawyers -- or who don't know their rights or who swallow the District's stories and don't know how to fight for their children. We started to worry about the poor and the disadvantaged and and the burden of pain they must bear in contradiction of the law and to the principles for which we are proud of our country.

Our group has met more than once a week since that time. We are composed mostly of black parents who live in Northeast and Southeast, but white parents from Northwest are represented, too. We have met dozens of times with school officials at every level of the school system, from teachers' aids to the Superintendent and the School Board. We have testified so many times before commissions and official groups that we can't even tell you how many times it's been. My typewritten correspondence alone is now two inches thick. Our efforts have not been for nothing, but although we've seen some signs of progress and heard innumerable promises, but we can't report much in the way of real change.

DC does not have a good record as a state in its handling LD kids. We always talk about meetings and policies and administrative definitions and it's easy to lose the point of why we're here -- because LD kids are handicapped and because the District isn't doing enough to improve the situation. We're fighting for the rights of children -- under the law -- to an appropriate education.

What's wrong? DC has at least 2000 kids in its borders that would be recognized as LD if only they were lucky enough to live a few miles away in any of our neighboring cities or counties -- lucky enough to be treated as well as the average kid in the Maryland-Virginia-DC area. These figures, by the way, are calculated from the Division of Special Education's own figures. The figures are tragic when we realize that 20% of the young adults incarcerated in Lorton Prison were found to have undiagnosed learning disabilities. And it's stupid. It costs a lot to make up for a ruined life that cuuld have generated tax money instead of consuming it. It costs very little to provide the few services that most LD kids need.

Now think about this -- those kids at Lorton were in our public schools when the Mills case was tried and DC was first found in contempt of court for failing to live up even to the minimum required by law. Ladies and gentlemen, this is still the case. DC still is in contempt of court. What sort of apathy, what sort of rigor mortis has afflicted our educational system that permits us going on like this? We've been in contempt of court for twelve years. Twelve years. How many kids went to Lorton, or onto the welfare rolls or didn't get a job or got pregnant too young or flunked out of school because our city thought it wasn't important enough to bother about. How many more kids would suffer if we decided there's nothing wrong and no one told the Mayor that the school system isn't doing its job?

Ladies and gentlemen, being in contempt of court is a crime. And it's a crime against kids.

So what's the cause? Is it because we can't do anything about it? Would it cost too much? Sorry to say, folks, that's not why. One thing the administration has said to us over and over again -- we've heard it a dozen times from DSE administrators and School Board members. "Money is no problem." If money isn't the problem, ladies and gentlemen, what in the blazes is the problem?

We think we can answer a big part of that question. We think we can tell you some thing you can do to help fix it. But first let me tell you what's not wrong and what doesn't need fixing.

There's nothing wrong with the quality or the dedication of the DC Public School people who teach our kids. we hear complaints about individual teachers sometimes, of course. No matter how good teachers are, if you don't hear some gripes sometimes, you're not listening. But we've heard nothing serious and let me assure you that no knowledgeable person can have anything but praise and genuine pride over the people who teach our handicapped kids. No one who knows anything about education could have anything but good things to say about Prospect School or Mamie D. Lee -- or the of any of the special schools or learning centers or programs in the District. We're not professionals, but it doesn't take a professional educator to know that the services kids get here are as good or better than anything there is to be offered in any private school in or out of the District of Columbia.

No, our problems don't come from the services that are delivered here in the District. We'd like everyone to know that the goal of our organization is to get our kids into public schools. We's like to see that $4.5 million dollars the District spends on private school tuition back into the hands of these dedicated and expert people who teach our kids. We want DC kids where they belong -- in the public schools, not isolated or sheltered or bussed to Maryland. We resent it when we hear -- as we sometimes do -- that we have anything in common with people who sue our schools to segregate their kids or get them anything other than what should be the right of any kid anywhere in the District -- the right to a decent, appropriate education. We believe in letting teachers teach -- each in his or her own style. Our gripe is with the things that keep them from doing it.

So if it's not money, and it's not the people, and it's not the schools -- what is it? Why are all those kids out there without help? Why is it that the people who eat up so much of the Special Education budget are rich folks who take the District to court to get what their kids need?

We can no more than condense all of our findings and suggestions here. In stead, we'll put down what we see as the main problems and a few ideas about how the District Committee can help.

The Big Problems

Bad Diagnosis and Treatment.

DC has a terrible record in diagnosing and treating LD kids. One of the many ways to illustrate that failure is by looking at the District's record in defending itself against court cases brought by parents. Let us tell you about that by telling you about some strange testimony we heard before the Committee on Special Education of the DC School Board at its July 23 meeting. A representative of DC Clinical psychologists tried to explain to the Board why DC loses so many court cases over placements of LD kids. She said that DC Hearing Officers are unqualified to hear cases. Parents can bring anyone they please to the hearing "even the dog-catcher, if they want." "The only ones at the hearing without vested interests are the DC School personnel". The informed views of the clinical psychologists ('The Professionals') are ignored because slick lawyers and their hired lackeys will 'say anything. They lie all the time.'

Applause from the back of the room left no doubt that other clinical psychologists endorsed this bubble-headed bunk, One Board member was heard to say that this practice was 'stealing' (theft of taxpayer's money, presumably) and suggested hearing officers be 'fired and qualified people hired.'

DC Hearing Officers are qualified; what angers clinical psychologists is that they do not have to be analytical clinical psychologists. That's good. Hearings about the education of your children should not be dominated by one narrow school of thought -- especially since analytical clinical psychology does not have a particularly good record in recognizing or helping kids with learning disabilities.

The DC School system can bring the dog-catcher, too, if they want. Hearing officers can surely weigh the qualifications of all who testify. We don't buy the notion that DC parents and their accomplices are slicker and less honest than their counterparts in other states and cities. DC loses so many hearings because the other side makes a better case.

DC school clinical psychologists have vested interests in the outcome of hearings. It is acutely embarrassing to them to have their abilities called into question by an impartial judge. Their jobs depend on their abilities to diagnose things like learning disabilities.

And as for the parents and their lawyers 'lying all the time,' there can be no clearer evidence of bias and paranoia among certain clinical psychologists in the District of Columbia -- the same attitudes that have earned DC the undisputed booby prize in LD litigation.

Learning disabilities are complicated things and not well understood. Experts disagree frequently; anyone who claims to have the answer is selling snake oil.

There is a way DC can protect itself and the children from needless or inappropriate placements; it's surprisingly simple. Evidence presented by either side in a court case -- or any other proceeding involving the child's treatment -- should be reproducible. This idea is based on the simple scientific principle that if you can't get the same results twice, you haven't measured anything. If one expert thinks he knows what's wrong and what to do, then another person with equivalent training should be able to come up with the same diagnosis and prescription -- independently. If neither side can do that, there's nothing we can do except rely on an unbiased referee. There is no basis for believing that specialists who get their paycheck from DC know better than any other specialist with equivalent training.

Lots of learning disabilities are detected by specialized tests that yield pretty much the same results in the hands of any trained person. LD screening tests are examples of reproducible diagnoses. They are standardized by comparing the scores achieved by thousands of kids nationwide. If a kid gets a low score on those tests -- and keeps getting them -- that kid probably has a learning disability and needs special help. One of these tests is worth the opinions of a dozen professionals that don't agree among themselves.

Parents, the School Board, and everyone connected with diagnosing learning disabilities should demand that reproducible, quantifiable tests be administered to any child suspected of having a learning disability. The results of such tests should heavily influence decisions about what should be done for that child.

That's not done often enough by the people responsible for testing in the District of Columbia. Too often DC goes to court armed with nothing but bubbles and immovable opinions. When the opposition has results from standardized tests, they win -- and they ought to win. And the thousands of cases where parents don't know to sue? Too often, these kids get improperly diagnosed and receive the wrong treatment -- or none at all.

The District Government Doesn't Seem to Care.

There's another reason DC loses so many court cases. DC does not have enough of the right kinds of facilities to take care of anywhere near the number of LD kids in the City. It's sad that parents have to sue to get the services their children have a right to.

The District Administration has developed its own terminology for letting the kids go without help. Here are some of the terms:

Least Restrictive Environment As few services as we can get away with providing.

Mainstreaming No services at all.

Private Placements The courts made us provide what the law says we're supposed to provide, but don't want to - because it's cheaper to give services to the few parents who know to sue us than it would be to serve all the kids who have a right to it.

Overdiagnosis What other school systems do. There are more diagnosed LD cases everywhere else we look. That makes DC look bad, so all the other jurisdictions must have found more LD kids than there are.

Practice (As in 'it is our practice..') This means it's the way we do things. We don't have a reason for it, but we're going to do things this way anyway, so take a walk. A practice differs from a policy in that the School Board

> sets policy. When the Administration decides to do it without the School Board's considering it, it's a practice.

There are far too few schools in the District to provide the services for all the kids who need it. Prospect School, for example, is an excellent school, but it can take only a handful of the students in the District who need it. There should be a Prospect School in every ward. Instead, the District wards off parents by trying to make diagnoses of all LD kids appropriate for 'Learning Centers,' even when they're inadequate. Even learning centers are understaffed and chronically without needed supplies and services.

The problem shows up in statistics. Rich folks in the largely white Northwest get the services - over 31% of the city's private placements are from Northwest. Poor folks who can't afford to sue are the ones who go without. It's their kids who are told they're not doing well in school because they're 'just not college material' or 'better suited for occupational training.' They're the ones everybody calls 'dumb.' The ones who drop out of school and get in trouble. They're one reason there are so many poor black kids in Lorton.

DSE has consistently failed to obey the law requiring them to tell parents about their rights. We know -- we're the parents. One illustration: at a meeting of 25 DC parents of children with learning disabilities, a show of hands demonstrated that virtually none of those parents had received a copy of their rights from DSE. All had learned of their rights through parent groups (DCACLD, Concerned Citizens) or from their lawyers! Things are getting better, though. The District at last has produced a satisfactory explanation of kids' rights; we're watching close to see that this information gets out to parents as soon as their child is identified as having a suspected handicap.

When severely handicapped LD kids get to high school age, there are almost no suitable places for them. The District supposes the problem goes away in the 9th grade. In cases where the handicap is so noticeable that there's no other way, LD kids are put into schools for kids with all sorts of handicaps - something everyone agrees needs to be avoided. DC needs at least one high school for LD kids.

Sometimes the District seems to give up its LD kids altogether. In one case, DC Public School kids who have emotional problems are put outside the public schools altogether, into 'schools' operated by the Department of Human Services. In at least one such school, the Rose School, citizens are prohibited from visiting the classrooms, in violation of School Board rules - and under regulations that call to mind horror stories of hidden mistreatment of children in mental hospitals. These schools should be subject to all the rules of the School System, just like all private schools who treat kids with the same problems. Rose School and similar institutions should be moved under the jurisdiction of the Public School System.

Another illustration of the School System's attitude is its policy toward summer school for LD kids. Ordinary kids who fall more than a year behind in their schooling have a right to summer school programs to help them catch up. That's not the case with LD kids, however. A learning disabled child is one who is more than a year behind his normal classmates because of a neurological dysfunction which prevents his being able to learn as fast as the next. But School 'practice' is such that LD kids don't get summer school, no matter how far they drop behind.

That practice may be changing now. Under pressure from parent groups, the District started a small summer program for LD kids. But the program is far too small for most LD kids to join in, and the District can still back down and drop it. It needs to be expanded until every LD kid can participate.

Every handicapped kid gets an Individulalized Educational Program (IEP). District 'policy' prohibits summer school being written into the IEP of LD kids - even though they are the ones who by definition need it most, and despite the fact that it is allowable to kids with almost any other handicapping condition. There is no rationale for this procedure other than the fact that DC is afraid that if it allowed summer school programs into IEP's that parents would want it put in and it would cost more than it cares to spend.

—

This testimony is already long, and we have not yet been able to scratch the surface. We have tried to outline only a few of our concerns about the District's neglect of LD kids. We would like to leave you with these suggestions about how this House Committee can help see to it that the government of the District of Columbia lives up to its legal and moral responsibilities to offer an appropriate education to every child, regardless of handicapping condition.

1. Appoint a single staff member who can keep in touch with parent groups in the District. We're not talking about a new position - just a single person who can watch to be sure that the DC government is living up to the letter and spirit of the law.

2. Ask the Mayor occasionally about progress toward complying with the law in its treatment of handicapped kids. Let's not let another decade elapse with the District still in contempt of court over its neglect of the most helpless of its citizens.

We are most grateful for the opportunity to offer testimony on this important issue. It is good to know that there are people in our Congress who are concerned about the welfare of handicapped children and aware that helping LD kids is not only fair, it is far cheaper than the alternatives.

Sincerely,

WCBanta

WC Banta, Recording Secretary
DC Parents of Learning Disabled Children
4320 Fessenden NW
Washington DC 20016
(202) 362-3406 or (day) 885-2179

LD CHILDREN IN THE DISTRICT OF COLUMBIA:

How are things Going?

DC Parents of LD Children
January, 1985

Why We Wrote This Report

The Division of Special Education in the District of Columbia recently issued a publication, 'LD Survey: A Programmatic Analysis. The 7-page report, written by Mattie C. Cheek and dated January, 1985, presents statistical data about Learning Disabled kids in the District of Columbia. This is our analysis of the numbers presented in that report.

Too Many LD Kids are Missed.

DC is behind area schools in recognizing handicapped children (Fig. 1) and even farther behind in finding LD kids (Fig. 2). Among handicapped kids, DC finds proportionally fewer LD kids than average (Fig. 3).

Percentages mean more when they are converted to real numbers. Fig. 4 shows how many LD kids DC would have to find if it were as efficient as our average neighbor. Nearly three fourths of the unidentified LD kids in our area live in the District of Columbia.

Is DC Doing Better than its Neighbors in Finding Young LD Kids?

DSE's Statistics seem to show proportionally more young LD kids (less than 5 years old) detected in DC, compared to other area school systems. That's good -- the earlier LD symptoms are detected, the better. Alas, the advantage is illusion. Look at how many young LD kids are found relative to enrollments (Fig. 5). The numbers involved are almost trivial -- only 36 in DC (Fig. 6.). There is good news, however. DSE told us January 25 that it is planning a screening program under which all children will be screened for learning disability during Pre-K (using the Dial exam) and again in both the first and third grades, using the much more powerful Brigance exam. If this plan is carried out we can expect to see a great improvement in numbers of LD kids recognized.

Does DC Send More Kids to Private Schools? (And Who Cares?)

DSE's statistics show proportionately more of its handicapped students attending public schools than its neighbors. Actually, DC is not exceptional when the numbers of students in the school systems are taken into account (Fig. 7).

Montgomery County is shown not sending any LD kids to private schools. That's misleading: Montgomery County does do so, but only LD kids with emotional problems or some other handicap in addition to LD.

Montgomey County doesn't send its exclusively LD kids out to private schools because it has excellent programs for them inside the public school system. If we could say the same for DC we'd be for discontinuing private placements, too. But we're afraid DSE is trying to make DC more like Montgomery County by fiddling with numbers instead of improving the schools.

Arlington County sends a lot of LD kids to private schools (almost 2%). That's not a bad thing by itself. Maybe it's cost-effective to send some types of LD kids to private schools because it's cheaper that way than to hire teachers, build schools, and so on. DC has no figures to tell if it's cost-effective to send LD kids to private schools.

DSE has to send a lot of kids to private schools because so many parents get lawyers and sue the school system. We've asked over and over again, but DSE won't tell how many lawsuits it looses every year. The real problem is that DC doesn't have enough suitable programs to handle the number of LD kids there are.

Last year DSE got serious about decreasing the number of tuition-paid LD students. A lot of kids were pulled out of private programs. We don't know how many kids are involved because DSE won't tell us. There is no evidence that there's been any improvement in public schools. There is no evidence that DSE's new policy saves money; in fact, it may cost more than it saves. We're afraid a lot of kids may have been put into poorer programs for no better reason than to make DSE look better.

We believe in Public Schools. We don't want our kids in private schools if public schools offer appropriate services. But until DSE can demonstrate that it has cost-effective programs to take care of the LD kids it has, including the 2,000 it hasn't found yet, it doesn't make sense to drop students arbitrarily from the tuition-funded roles.

Does DC Pay Enought Attention to Occupational Therapy? (And How Do We Know?)

There's not enough data to tell. We don't know if DC is up to average in the proportion of identified LD students getting OT. There's no indication of how many hours a week and there's not enough comparative data from neighboring districts. Our group has received complaints from parents that OT was promised by DSE, but not delivered.

Does DC Offer More Instructional Settings?

The DSE Report says DC has 'Learning Centers' and 'self-contained classes' that are not all available in three other districts. Variations in terminology from district to district make this statement hard to evaluate. Richmond offers everything DC does. Montgomery County lacks 'self-contained classes,' but has one of the best LD programs in the area. We don't know what use to make of these data.

Has DC Improved Lately?

We don't know. DSE won't provide us with the figures. In its latest report DSE claims a '1.48% increase' in in the proportion of LD kids identified, but we've seen no earlier figures. We have asked DSE repeatedly for these data, but so far we haven't even received an acknowledgement of our request. No other citizen organization has had better luck, either. We think DSE doesn't release statistics because the numbers aren't very flattering. Public access to DSE's statistics is essential. There is no legitimate purpose in allowing DSE to hide this information. We think the School Board should tell DSE to release all the figures it has to anyone who wants them.

Some Things to Keep in Mind

DSE's summary is based on information from only 7 school systems, including DC. National figures would be more meaningful.

Richmond, Virginia was the only major city compared -- poor, southern, and only a third the size of DC. We should know what's happening in Baltimore, Philadelphia, and New York.

DC Doesn't come up to average, that's for sure, but averages are deceptive. DC could come up to be average by doing nothing -- if others do less and the averages drop. That's sure to happen because of federal cuts in education. If it's progress we want, let's be sure it's progress we measure.

And what's so good about average? Let's not set mediocrity as a goal. LD kids who go untreated are likely to wind up on welfare and in jail. They cost us dearly in dollars -- not including however many more dollars a ruined life is worth. LD is easy to treat: recognize the problem and help the kid learn. It's cheap to help LD kids; it's expensive not to.

DC has a long way to go if it's going to climb up to mediocre. This condition has persisted for years.

Is There Reason for Hope?

Some. When we met with the Administration in January DSE promised some important changes. If the promises are carried out we expect real improvements in identifying and treating LD kids in DC. Here are some of those promises:

> DSE will hand out a package of information to all parents at the time their child is first thought to

need special services. This packet will include a list of rights of parents. DC has been required by law to provide this information for some years, but it hasn't happened. This time we believe DSE is serious.

DSE will identify a single Case Manager for each child. The Case Manager will handle that child's record for as long as he or she needs special services (a few special circumstances excepted). It may sound like a little thing, but no issue causes more concern among parents than impersonal treatment by DSE.

If DSE is not planning changes in a child's LD placement, parents will be told by March 1 each year. If a big change is being considered, parents will be notified by March 1 that a review is under way. Final placements will be made in any case by May 1. That's a big improvement. In the past many placements have been delayed for months -- some until October.

Screening tests are planned by DSE for Pre-K, First and Third grades. The tests are designed to find not only learning disabilities, but other handicaps as well.

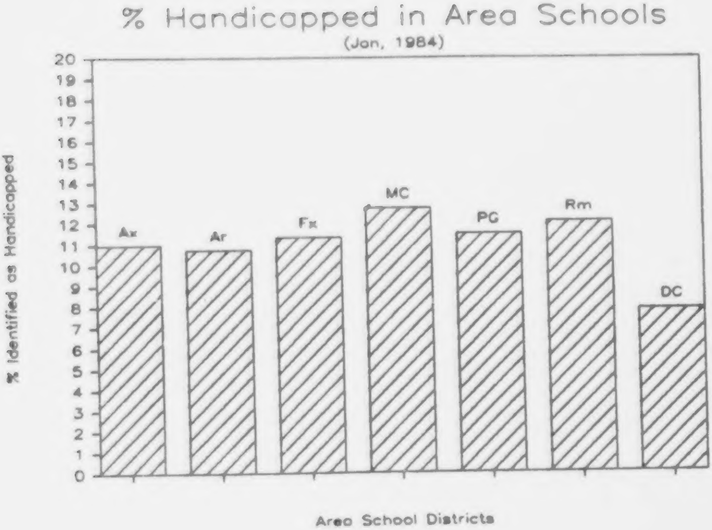
All DC school programs are open for visits from parents. Until now some school programs were closed.

We've all heard a lot of promises from DSE and had them go sour, but this time we have concrete reason to believe that things really are going to happen. We plan to check closely on DSE to make sure. You can help. If you hear that DSE isn't living up to its promises, please give us a call. We want to know.

Who Wrote This?

This report was written by WC Banta for the DC Parents of LD Children. DCPLDC is a political action group comprised entirely of parents of LD kids in the DC School System. The Executive Committee meets weekly; there is a general meeting every month. There are no membership fees. If you want to join us call 635-9185 or write DC Parents of LD Children, 4320 Fessenden NW, Washington, DC 20016.

Fig. 1

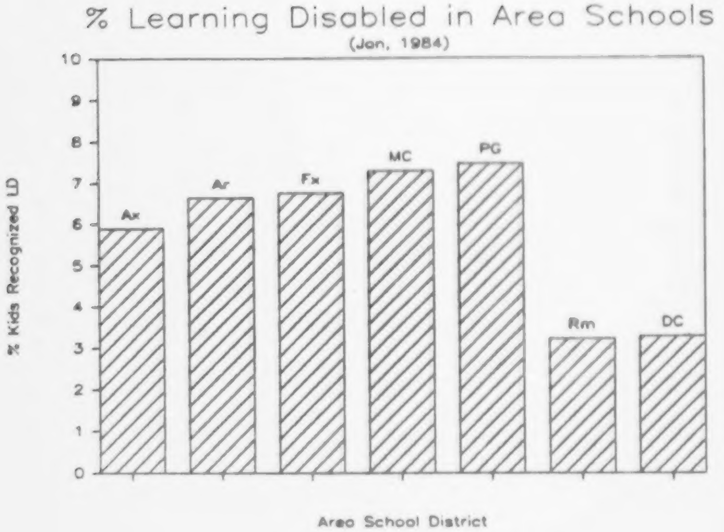


Handicapped Students Identified in Some Area School Systems (DSE, Jan, 1984)

School System	Enrollment	EST Handicapped*	% Handicapped
Alexandria	10,313	1,133	10.99
Arlington	14,548	1,560	10.72
Fairfax	122,721	13,904	11.33
Montgom. Co.	91,030	11,588	12.73
PG County	11,279	1,298	11.51
Richmond	29,766	3,596	12.08
DC	89,491	7,007	7.83
AVERAGE	52,735	5,727	11.03

* Percent Handicapped times Enrollment

Fig. 2

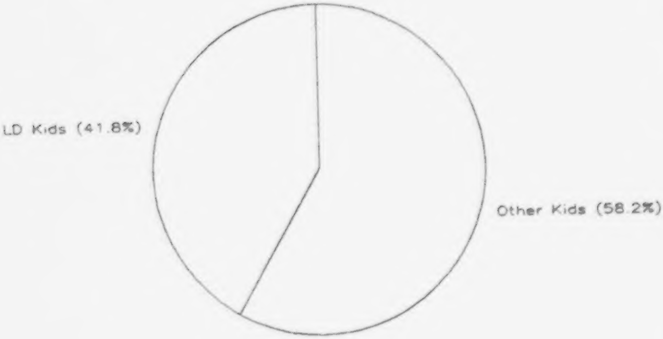


Learning Disabled Students in Some Area Schools (DSE, Jan, 1984)

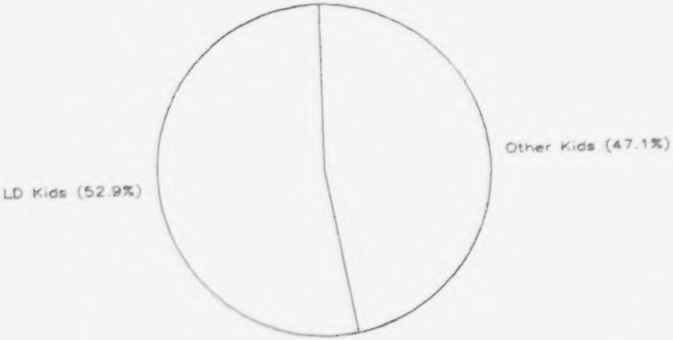
System	Enrollment	Estimated LD*	% LD
Alexandria	10,313	607	5.89
Arlington	14,548	963	6.62
Fairfax	122,721	8,271	6.74
Montgom. Co.	91,030	6,627	7.28
PG County	11,279	841	7.46
Richmond	29,766	953	3.2
DC	89,491	2,926	3.27
AVERAGE	52,735	3,027	5.78

* Percent LD times Enrollment

Fig. 3

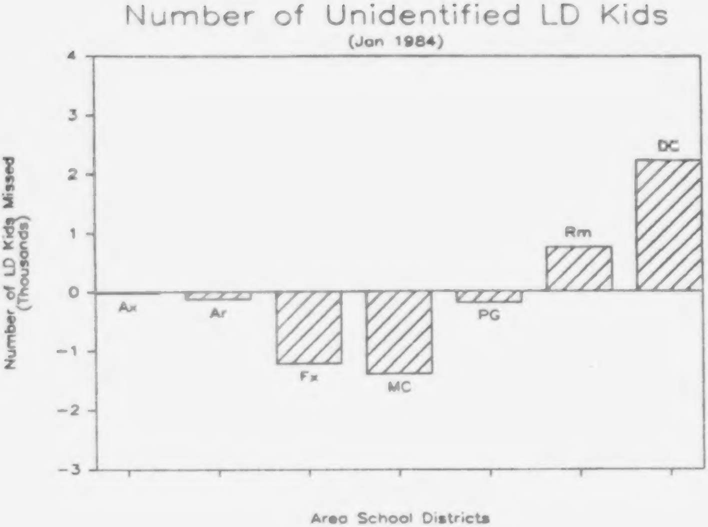


% LD Kids in DC Handicap Programs
(Jan, 1984)



% LD Kids in Area Handicap Programs
(Jan, 1984)

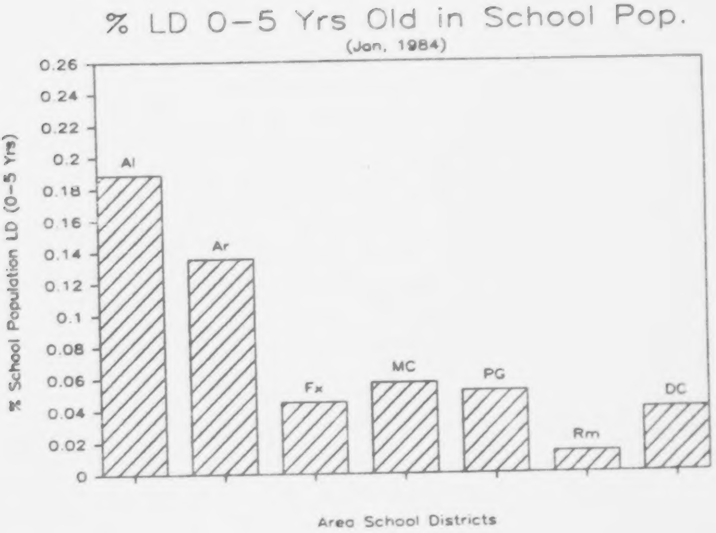
Fig. 4



Unidentified LD Students in the DC Area
(DSE - Jan, 1984)

System	Est LD	% LD of Tot Handicapped	No. Needed For %LD to Be average	Number of LD Un-indentified
Alexandria	607	53.59	593	-14
Arlington	963	61.75	837	-126
Fairfax	8,271	59.49	7,058	-1,213
Montgom. Co.	6,627	57.19	5,235	-1,392
PG County	841	64.81	649	-193
Richmond	953	26.49	1,712	759
DC	2,926	41.76	5,147	2,221
AVERAGE	3,027	52.16	3,033	-6

Fig. 5



Populations of LD Kids between 0 and 5 years old
Identified in the DC Area (Data DSC, Jan, 1984)

System	% of LD Kids 0-5 yrs	LD Pop.	Enroll.	Est.* No 0-5	Same, as % of Total Enrollment
Alexandria	0.32	6,080	10,313	19	0.189
Arlington	0.21	9,350	14,548	20	0.135
Fairfax	0.66	8,278	122,721	55	0.045
Montgom. Co.	0.78	6,634	91,030	52	0.057
PG County	0.69	8,378	112,279	58	0.051
Richmond	0.41	954	29,766	4	0.013
DC	1.22	2,929	89,491	36	0.040
AVERAGE	0.61	6,086	67,164	35	0.076

* Column 1 times column 2.

Fig. 6

DC Students in LD Programs in DC
Classified by Age

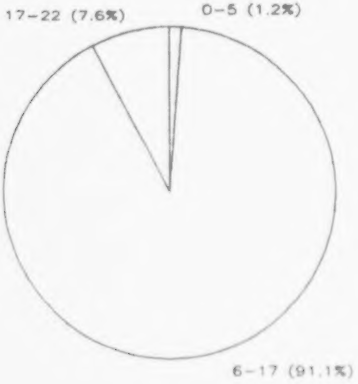
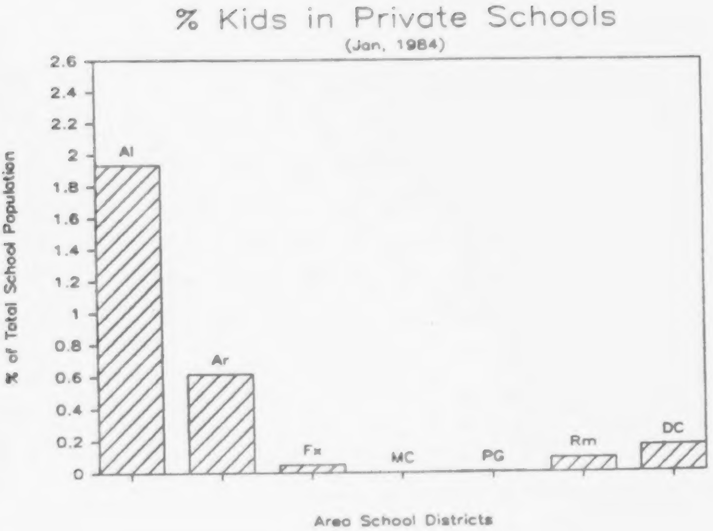


Fig. 7



Proportion of LD Kids in Private Schools Funded by Area School Districts (Data from DSE, Jan, 1984)

System	% of LD Kids in Day Sch.	% of LD Kids in Pvt Sch	No. Day School	No. Pvt School	% of Total Enrollment in Pvt Sch.
Alexandria	96.71	3.28	5,880	199	1.934
Arlington	99.03	0.96	9,259	90	0.617
Fairfax	99.26	0.73	8,217	60	0.049
Montgom. Co.	100.00	0.00	6,634	0	0.000
PG County	99.90	0.03	8,370	3	0.002
Richmond	97.27	2.72	928	26	0.087
DC	95.04	4.95	2,784	145	0.162
AVERAGE	98	2	6,010	75	0.407

I

99TH CONGRESS
1ST SESSION

H. J. RES. 287

To designate October 1985 as "Learning Disabilities Awareness Month".

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1985

Mr. **BROWN** of California (for himself and Mr. **KEMP**) introduced the following joint resolution; which was referred to the Committee on Post Office and Civil Service

---

JOINT RESOLUTION

To designate October 1985 as "Learning Disabilities Awareness Month".

Whereas millions of Americans suffer from 1 or more learning disabilities;

Whereas it is estimated that 10,000,000 American children have been diagnosed as suffering from learning disabilities;

Whereas most learning-disabled persons are of normal or above normal intelligence but cannot learn to read and write in the conventional manner;

Whereas it is important for parents, educators, physicians, and learning-disabled persons to be aware of the nature of learning disabilities and the resources available to help learning-disabled persons;

Whereas early diagnosis and treatment of learning-disabled children gives such children a better chance for a happy and productive adult life;

Whereas the courage necessary for learning-disabled persons to meet their special challenges should be recognized;

Whereas hundreds of national and local support groups for learning-disabled persons, parents of learning-disabled children, and professionals who work with learning-disabled persons have made important contributions to the treatment of learning disabilities;

Whereas research and study have contributed to public knowledge about learning disabilities, but much remains to be learned; and

Whereas public awareness of and concern about learning disabilities may encourage the establishment of the programs necessary to promote early diagnosis and treatment of learning disabilities and to help learning-disabled persons and their families cope with their learning disabilities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1985 hereby is designated "Learning Disabilities Awareness Month", and the President of the United States is authorized and requested to issue a proclamation calling upon all public officials and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

Written Testimony of:

Judith E. Monahan
The District of Columbia Chapter of
The Association for Children and Adults with Learning Disabilities
(previously submitted to, and revised with current information)

PUBLIC HEARING
on
The Unmet Educational Needs of Handicapped Children
of the District of Columbia

June 22, 1985

Good morning distinguished panel members. My name is Judy Monahan, and I am here to represent the DCACLD in response to the question of the unmet needs of handicapped children in the District of Columbia. I would like to address several issues relating to Learning Disabilities as a specific handicapping condition.

These issues span the entire spectrum of services from testing and identification to service delivery and monitoring of progress. They also encompass a wide age range of students.

Although the issues do originate from concerns referred to the DCACLD, I find that I can often speak personally with specific details, because I have a child who is learning disabled currently attending pre-kindergarten in a D.C.P.S. elementary school.

IDENTIFICATION

Learning Disability is often referred to as the "hidden handicap". To quote from the ACLD publication, Taking the First Step...to Solving Learning Problems, "The symptoms of learning diasbilities are a diverse set of characteristics which affect development and achievement. It is important to note that some of these symptoms can be found in all children at some time during their development. However, a learning disability person has a cluster of these symptoms which do not disappear with advancement in age...Each child, adolescent, or adult with a learning disability is unique; each shows a different combination and severity of problems...The learning disabled person is considered to have near average or above average intelligence. However,... there is a gap between potential and achievement. Or No Easy Answers by Sally L.Smith says, "It is the quantity, intensity, and long duration of immature behavior that make the learning disabled child different. It is the uneven quality of this child which is confounding."

1. Although the identification of learning disabled children is still a difficult and imprecise process, there are standardized tests that can and should be used to screen children for deficits. Furthermore, screening for identification should be done as early as possible. My own son is mainstreamed in a regular classroom for academics, while receiving related services from therapists outside the classroom. This was possible primarily because he received intensive language and sensory integration based special education services for two and one half years prior to this prekindergarten school year.

It is felt that the D.C.P.S. is not screening young children for learning disabilities. The guidance counselor at my son's school stated that no standardized screening tests were given to the students in that school which teaches pre-kindergarten through the third grade. She went on to state that the process for identifying problems was that of teacher referral for six weeks of additional academic tutoring in the resource room. The resource room process does not involve a psychologist or any testing for LD. If, after six weeks of resource room assistance is completed, the student has not made academic progress, then the psychologist may be consulted to obtain parental approval for testing the child. If the child is able to show some academic progress, It is unclear how long this process will continue without involving a psychologist or testing. And, social or behavioral symptoms may not even warrant resource room attention.

2. Since the classroom is the milieu in which LD can be identified most easily, it is critical that teaching staff be trained in symptoms and observation techniques for recognizing possible LD children. Parents may see some problems at home, but often identify them with behavioral rather than learning difficulties. Thus, they do not turn to teachers for assistance. Also, pediatricians are often unable to diagnose learning disabilities. It is the school environment that can best be used to identify LD.

There is concern that very few teachers in the D.C.P.S. are able to identify or adjust to the child who is LD. It took almost the entire school year for my son, Matthew's teacher to understand his learning disabilities. Also,throughout the school year, it seemed that no other teacher in the school was trained to be able to help her deal with his differences. I am grateful that her experience with Matthew may enable her to assist Matthew's and other students' teachers next year.

3. Results of passing children along without screening and identifying LD have been seen at two levels. There is a large number of children who are failing at about the fifth grade. At this stage the child should have mastered basic reading, language, mathematical, and social skills. Failure, by then has led to frustration for him, his parents, and his teachers.

This frustration may bring about a search by parents or teachers for problem identification. However, if the child is still passed along at the fifth grade, he may join another large group being identified at the ninth grade. Here, adolescence complicates his learning problems. His past failures have given him a very low self esteem, and his social inadequacies are becoming more hurtful to him. He may now show behavioral difficulties. Services for the identified adolescent LD child will have to include a very strong psychological component.

We feel that with earlier identification and intervention for learning disabilities, some of the frustration for the developing child and certainly some of the cost of providing services could be avoided. (Psychological treatment for adolescents might be avoided, for instance.) And, quite possibly, the alarming statistics for percentage of learning disabled adolescents among juvenile offenders might be lowered if early intervention allowed these youngsters to succeed in becoming educated and worthy of a higher self esteem.

EVALUATION AND PLACEMENT

Testing, evaluation and placement is a very precise process with specific steps, and time requirements. Parents have expressed difficulty and failure in many areas of this process.

1. The DCACLD and parents who speak with us feel that the timeline for accomplishing the steps for placement in special education, is very

adequate. Yet, too often, the D.C.P.S. does not meet its deadlines. Concerns here include:

A. Inconsistency in correspondence dates between date written and date sent. Repeadedly, this has led to hearings and court action.

B. Rigidity in scheduling events of the timeline. Reports indicate that the D.C.P.S. is not willing to accommodate private schedules. In one instance, the schedule for IEP review in April was not met by D.C.P.S. because personnel were not available. The child was retested in July, resulting in only one available day before the start of school for review of the IEP. This is unacceptable.

C. And the reports continue of unreturned telephone calls, also causing delays.

2. Problems have also been cited, after the IEP has been completed or even after placement recommendations have been made.

A. There is a serious coordination problem with vocational rehabilitation programs. Students seem to be put on an indefinite waiting list, with some eventually being forgotten.

B. For other placements, it is the parents' responsibility to visit, observe aned approve the placement setting or several possible placement settings being considered for thier child. However, it is very difficult to obtain information from the D.C.P.S. about available programs, and when programs are contacted there are additional problems with being allowed to visit.

We report a specific situation of parents who, when presented with an IEP requiring mainstreamed education for 25% of their child's time in school, called the region to request location and telephone numbers for learning centers equipped to comply with this need. The region personnel refused to supply this information to these parents.

SERVICE DELIVERY AND PROGRESS MONITORING

Service delivery for learning disabled children often provides speech therapy, when language therapy would be more appropriate. While speech and language problems found in learning disabled children symptomatically appear to need speech therapy, often their need is to learn to use speech and language functions rather than to improve physical speech capabilities. As they improve, the problem is likely to be lack of language experience more than capability. They need to catch up in development denied to them because of their LD deficits.

There have been reports of children being forgotten after services were authorized.

1. For elementary school students, there are learning center environments, so monitor of progress and receipt of services is insured. However, Junior High school students do not have this centralized homeroom facility, so it becomes unclear about who is to monitor a child receiving special education services.

2. Also, in this regard, I refer to my own son who is academically mainstreamed. Here in a school without special education services, I found myself setting up his occupational therapy program directly with the therapists. I set up the one and only teacher-OT meeting that occurred during the year, and I inquired of many and finally requested in writing that someone coordinate an IEP process for the continuation of his services next year. In this school without special education services, no one is familiar with the requirements for and of an IEP. There was no one coordinating his services throughout the school year.

3. (This point is being added based upon information available to me now - September 1985.) Occupational therapy services are provided to the D.C.P.S. student community by the Department of Human Resources' facilities at D.C. General Hospital. Today they have an extreme shorage of therapists. The equivalent of slightly less than two full time therapists must serve the school system's needs (an estimated 80 students) as well as the children normally served by the DHR hospital program. The DHR department is not provided with a copy of IEP's for eligible students and is reportedly lacking in sufficient information with which to schedule the services. Given this deplorable lack of resources and information, the DHR OT department is left to assimilate information and prioritize needs on a "catch as catch can" basis.

Unlike our neighboring suburban school districts, where therapy services are in place in centralized locations, D.C.P.S. provides OT on an itinerant basis. Thus, therapy resources are taxed even more by the required transportation of therapists and equipment to the students. Inevitably, the DHR department must prioritize service delivery to places where the greatest number of students can be served and to those students who can benefit the most from OT. It is certain that students will not recieve services if there are no others in their school who need OT. (Alternative plans for transporting these students for services are not yet in place.) It is also reported that other non-D.C.P.S. DHR programs currently in place must experience cutbacks in service delivery because of the resource shortage.

D.C. Association for Children with Learning Disabilities

Working Together
to
Help ....

MEMBERSHIP APPLICATION FORM

SEND CHECK/MONEY ORDER TO :

DCACLD
P.O. Box 6350
Washington, D.C. 20015

Dues are : ( ) $8 for families, individuals
( ) $7 for students

Your dues include $5 for membership in National ACLD

Names (s) ____________________

Address ____________________

____________________ Zip ________ Phone ____________________

Parent ( ) Professional ( ) Student ( ) Other ____________________

If professional, please note discipline ____________________

If teacher, please note name of school ____________________

If parent, please note name, age & school of child ____________________

WHAT IS A LEARNING DISABILITY ?

There is no one learning disability.

Each individual who is learning disabled has a different set of problems...and a different set of strengths.

Learning disabled children often exhibit one or more of the following characteristics :

Some have difficulty in reading, writing, spelling or arithmetic... some do well in school work but can't sit still or stop talking... some have trouble saying "no" to themselves and don't seem to learn from their mistakes...some are clumsy and have more than their share of accidents...or, they may daydream a lot and be "spaced out" much of the time...or, very easily distracted so that they forget belongings and the teacher's assignments...or, falls apart in minor crises and over-reacts to common situations.

These problems are known by many different names (dyslexia, minimal brain dysfunction, hyperactivity, perceptual handicap, etc.) and the causes of the problems may be different. What these individuals all do have in common is a problem that is interfering with their development and their ability to reach their full potential.

BUT, ARE THESE CHILDREN RETARDED ?

The vast majority of learning disabled children are not retarded. In fact, many LD children have high IQ's and special skills and abilities. Some retarded children are also learning disabled and this complicates their learning situation.

CAN LEARNING DISABLED INDIVIDUALS BE HELPED ?

YES !!! By offering them :

* Early and accurate diagnosis

* Medical, educational and other kinds of assistance regardless of the age of the individual

* Understanding and acceptance in school, at home and in the community

* Encouragement of strengths and abilities

HOW CAN DCACLD HELP ?

DCACLD is a nonprofit organization of parents, professionals and other interested persons dedicated to increasing public and professional awareness of learning disabilities and in stimulating improved school and community relationships.

DCACLD is affiliated with the National ACLD and membership in our organization includes automatic membership in National and entitles you to receive publications of both organizations.

WHAT SERVICES DOES DCACLD PROVIDE ?

- Information on schools and agencies in the community
- Literature on learning disabilities
- Workshops and seminars
- Handbook on resources in and around the District of Columbia
- Meetings that offer parents a chance to discuss common problems
- A newsletter that keeps parents informed about DCACLD activities and developments in the learning disabilities field

HOW CAN I HELP ?

- Become an active DCACLD member !
- Tell your friends about us

WHAT IS THE FUTURE FOR A CHILD WITH LEARNING DISABILITIES ?

As public and professional awareness of the problem increases, along with our techniques for diagnosing and remediating learning disabilities, we are better able to assist learning disabled individuals of all ages to reach their full potential.

Handbook (for non-members): $5.00
Postage + handling : $1.50

Washington Times 4/3/85

Letters

Meeting needs of handicapped D.C. students

Bill Allegar's March 20 article, "Identifying disabled student is often hardest task in D.C.," was a balanced and insightful report on the frustrations and successes of D.C. parents and teachers in addressing the needs of unique learners.

We are determined to improve our performance with these students. To do so, we must overcome what your reporter correctly identified as the "bureaucratic inertia" which attends the educational rights of the handicapped.

Currently, our public school system is subject to no less than a dozen federal statutes governing the delivery of special education services, a comprehensive D.C. law concerning the rights of the mentally retarded, at least four interagency agreements between the school system and other D.C. agencies, and two federal court orders stemming from class action suits lodged against us in the mid-70s.

Little wonder that parents of learning-disabled children are often baffled by the process they encounter in pursuit of appropriate instructional services for their children. Or that we frequently miss the court-ordered 50-day deadline for placing a child once the parent has consented to testing and evaluation.

Although the special education population is growing, the case-handling delays are becoming shorter, and our record for correct placement decisions appears to be steadily improving.

I believe that the D.C. Board of Education intends for this partnership between the professionals and the parents to come to full fruition. Only then will we achieve the simple moral imperative underneath the reams of special education laws, regulations and procedures: that every child, regardless of handicapping condition, has a right to a publicly-provided education which fully develops his or her intellectual potential and leads to a life of maximum independence, opportunity, and dignity.

BOB BOYD
Chairman
Committee on Special Education
D.C. Board of Education

BEST COPY AVAILABLE

Right of Handicapped To Education Outlined

By Bernhart Mingia
Washington Post Staff Writer

When Cheryl Shropshire learned that her son Atiba had dyslexia, a reading impairment, he was 6. He was placed in a private school for the learning disabled and quickly learned his alphabet and how to read.

"When I heard him putting sentences together, I was overjoyed," said Shropshire, 34, who lives in Northeast Washington.

But now, three years later, Atiba is still learning to put together sentences, and Shropshire said she is very concerned about her son's lack of progress.

She talked to her son's teachers and the administrators about her concerns, but little changed, she said.

Last weekend Shropshire was among 50 parents of handicapped children who attended a daylong workshop to learn from lawyers, psychologists and school administrators the rights of the handicapped and how to use the system to get the best education for their children.

Under a federal law adopted in 1975, local school systems must provide a free and appropriate education for all handicapped children between the ages of 2 and 21.

"The law says that your child should have all the necessary resources he may need to address his learning disabilities," said Jane Yohalem, staff attorney of the Mental Health Law Project, who spoke at the workshop held at Buchanan School on Capitol Hill. It was sponsored by Kennedy Institute Parenting Skills in Special Education Project and D.C. Parents of Learning Disabled Children.

Nancy Cohen, a lawyer specializing in the rights of the handicapped, urged the parents, whose children suffered from disabilities ranging from dyslexia to cerebral palsy and mental retardation, to "get involved from the very beginning to the very end."

"You have the right to appeal any placement, or any part of your child's special program. Your child's IEP [Individualized Educational Program] is the first step and the most important part of his program," she said.

"If your child needs daily therapy, but the school suggests only once a week because they don't have the resources," said Cohen, "then you don't have to accept this; they're required to find those resources outside the school."

In the District, about 6,700 handicapped students attend public schools. This includes 1,051 students enrolled in the District's eight special education schools and 5,000 who attend special classes in regular public schools.

The District pays to send 428 students, such as Atiba Shropshire, to classes at private institutions in the metropolitan area and around the country, said Doris Woodson, assistant superintendent for special education.

D.C. school board member Bob Boyd, chairman of the Committee on Specialized Educational Programs, who attended the workshop, said many of the complaints are valid and the system is trying to improve.

"People usually complain about whether or not their child has received the proper placement, or that we don't meet the 50-day deadline to place their child," said Boyd.

"The process is very complicated, and we have just started a Saturday service at the Child Study Center to process some of the children's placements that have been waiting."

"As long as I didn't understand my rights, they [school teachers, specialists and others] could tell me anything and I accepted it," Shropshire said after the workshop. "But not anymore. I plan on following through his program right down to the wire," she said.

The Washin

Identifying disabled student is often hardest task in D.C.

By Bill Alleger
THE WASHINGTON TIMES

Waiting to be placed in a learning-disabilities program in a District elementary school, 11-year-old Andrew LaPorta missed eight months of school.

"They kept telling me he wasn't learning-disabled, he was emotionally disturbed," said his mother, Ann LaPorta.

Because Andrew tested well in reading and other subjects but poorly in math and in general organizational skills, the school system's staff of specialists assigned to identify, evaluate and place handicapped children, incorrectly labeled her son and delayed his placement into a special-education program, according to Mrs. LaPorta.

"At first they were reluctant to even discuss the test results with us. . . . We spent a lot of time and money for private testing and hired a lawyer. Finally we got him into the learning center," said Mrs. LaPorta, who heads a parents group, D.C. Association for Children with Learning Disabilities.

Now a sixth-grader at Janney Elementary School in Northwest, Andrew spends half of the day in a special learning program and the other half in regular classes.

"I'm very pleased for my son. The teachers are excellent. The program works very well for him. Janney is an exceptional school."

The experience of Mrs. LaPorta reflects the ambiguous condition of special education in the District's public schools.

While parents generally praise the teachers and programs, they are concerned about faulty evaluations and delays in placement. In some instances children have been misidentified and placed in wrong programs or made to sit out school for months.

Many professional educators view the District's special education as vastly improving but see additional solutions mired in bureaucratic inertia.

Nationally, school systems have faced common problems since passage of a federal law in 1977 guaranteeing each student a free and appropriate public education. The law is aimed at handicapped youth — from the physically handicapped to the learning disabled, ages 3 to 21.

Parent complaints in the District focus on incorrect diagnosis of learning problems and undertrained and understaffed assessment teams of psychologists and case workers.

At a recent meeting of the Board of Education's special education committee, top school officials were grilled about the delays in placing handicapped children.

Guidelines require that students be placed into a program within 30 days from the time of referral for evaluation. But in some instances children have missed several months of school while waiting for the procedure to work, said Bill Bunis who heads a separate parents group, D.C. Parents of Learning Disabled Children.

Parents dissatisfied with the placement of their children have taken about 40 lawsuits to court and have been in hundreds of due process hearings in the last three years. Most rulings are in favor of the parents, said Donna Walton, head of Antioch College legal clinic and a specialist in laws affecting the handicapped.

The legal counsel for the school system agrees. "We have won some cases, but the majority of the time the parents are successful in one way or another," said George Margolies.

But a lot of poor parents don't have the money for a lawyer or private evaluations and don't take any action, Miss Walton said.

Special education serves about 6,000 students, has a budget of $30.7 million and a staff of about 1,000.

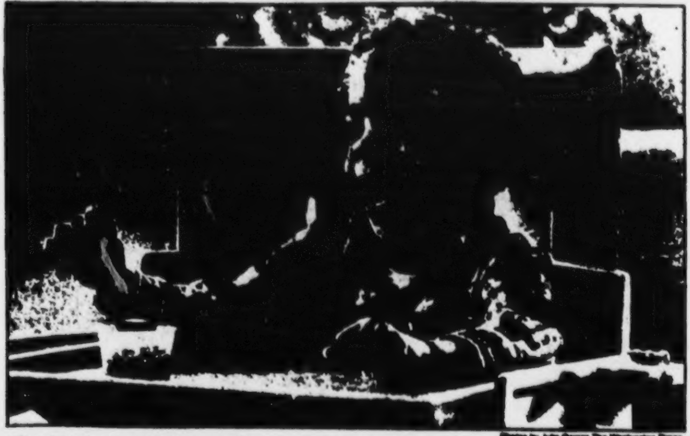
Education schemes for individual students can vary widely, but students essentially fall into two groups — those who, like Andrew, attend regular schools and have a combination of special instruction and classes with other youths in the regular program, and those who attend any of eight schools equipped to handle a particular mental or physical handicap.

If the District cannot provide education, it must pay tuition for a child to attend a private school. Last year $4.7 million was spent on tuition for 427 students in day programs and for about 170 students with severe handicaps in residential centers.

The process of identifying and referring a child to the suitable school or program is often complicated and long.

"The District is behind area schools in recognizing handicapped children and even further behind in finding learning-disabled kids," said Mr. Bunis. According to a study by

Before 4-year-old Chantel Wetherne attends one of her classes at Sharpe Health School she works with occupational therapist Sheri Prescott on a large balancing ball, testing her equilibrium and reaction responses.



Photos by John [illegible] The Washington Times

Although confined to a chair because of cerebral palsy, Darnell Lewis participates in a counting lesson along with his more mobile classmates at the Sharpe Health School in Northwest D.C.

his parents group, the District has identified about 8 percent of the total school enrollment as handicapped, compared to about 12 percent for other school districts in the metropolitan area.

"Some children are not identified at all. They show up as neglect cases or as juvenile delinquents," Miss Wulkan said.

In response to this objection, District special-education director Doris A. Woodson has begun training staff in screening and diagnosis.

"Identification is a difficult process. The problems are not peculiar to the District. They're nationwide," Mrs. Woodson said.

Some parents have said that evaluators and administrators fail to communicate with and involve the parents.

"We're preparing packets for the parents describing the process and to get them involved . . . to have their input in designing individual education programs for their children," Mrs. Woodson said.

"We have a child-find program to locate handicapped children of all ages who may need special education. We are updating our testing and screening procedures as well as training of the evaluation and placement staff," she added.

Joe Ballard of the Council for Exceptional Children, a private national organization, said, "For an urban center [the District] has greatly improved over the last few years."

"There's a tremendous mix of all levels of problems. Nationally we're concerned about the waiting period before assessment, and between assessment and placement," said Mr. Ballard.

In the District, the waiting period can be long and the placement process complicated.

Mr. Banta, a marine biology professor at American University, said he went through a year-long ordeal in the testing and placement of his then 6-year-old son, who has an auditory learning problem but was improperly diagnosed as mildly retarded.

"Our son wasn't tested properly and our requests to see test results repeatedly were denied. One counselor told us the test results were unintelligible. We weren't told of our rights either."

Mr. Banta and his wife Rochelle took their son to a medical doctor and an occupational therapist who both correctly diagnosed the learning disability. But after showing those test results to the evaluating staff, the Bantas still felt the programs suggested by the staff were not suitable. They took legal action to have their son placed in a private school.

"We couldn't have done it without a lawyer," he said.

School officials preferred not to comment on this or other specific cases.

However, many parents are pleased with the instruction and attention their children receive from their teachers.

Sgt. Tim Wilson at Bolling Air Force Base has a 9-year-old daughter with Downs syndrome enrolled in a specialized program at Patterson Elementary School in Southwest Washington.

"It was a hassle getting her in. But of the three schools she's attended, this is the best. Her teacher is very qualified, the best we've ever had. The teacher makes progress with the kids and she calls me and let's me know what they're doing," Sgt. Wilson said.

Joyce Jackson has taught learning-disabled children for five years at Prospect School in Northwest. "It takes a lot of patience. Sometimes progress is slow and the kids get frustrated, but when you see a child master something difficult it's very rewarding for them and for me.

"If the parents have questions about what we're doing, we talk it over with them. Most parents are very cooperative and help their children with attention and reinforcement at home," Mrs. Jackson said.

Another teacher, Rose Reeves, has worked with physically handicapped children for 19 years at the Sharpe Health School in Northwest. Her current class of fourth-graders has been under her care for three years.

"I met them when they were in second-grade and none could write or read their name. Now they're all at or above their grade level."

"We have individual programs for each child and we work together just like a regular class. It's rewarding and challenging. When I first started I taught a girl with no arms. And I had never seen that before. We became close. She went to Howard University and got all A's," Mrs. Reeves said.

Some of the District's special education curriculum has been used in Miami and other cities.

"Doris Woodson has very high standards. She has been very helpful to our school system," said Wylamerle Marshall, director of special education for Dade County schools.

Board of Education member Bob Boyd, D-Ward 6 and chairman of the special education committee, has visited many of the city's special education facilities and has met with school officials and parents groups.

Parents will meet with Mr. Boyd on Tuesday to discuss their concerns.

Taking the first step . . . to solving learning problems.

First Step,
Peter Lipman-Wulf

Association for children and adults with learning disabilities

ACLD®

In 1964, a group of concerned parents formed the ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES. It is the only national organization devoted to defining and finding solutions for the broad spectrum of learning problems. ACLD has 50 state affiliates with more than 800 local chapters. Membership totals over 60,000, including parents, professionals from many sectors, and concerned citizens.

Learning Disabilities occur in many forms . . . visual, auditory, motor control, communication, logic, etc. Effective correction must include a total approach to the educational, physiological, psychological and medical needs of the individual child. Therefore, ACLD believes in an interdisciplinary approach with these major goals:

☐ ENCOURAGE research in neuro-physiological and psychological aspects of Learning Disabilities.
☐ STIMULATE development of early detection programs.
☐ CREATE a climate of public awareness and acceptance.
☐ DISSEMINATE information widely.
☐ SERVE as an advocate.
☐ DEVELOP and PROMOTE legislative assistance.
☐ IMPROVE regular and special education.
☐ ESTABLISH career opportunities.

An inquiry to the National ACLD office or to the local ACLD chapter may be a crucial first step in providing help for a person with Learning Disabilities. National Headquarters has a resource library of over 600 publications for sale in addition to providing a film rental service. Published six times annually, the official ACLD newsletter, NEWSBRIEFS, covers current developments in the field of Learning Disabilities.

Association for Children and Adults with Learning Disabilities
4156 Library Road, Pittsburgh, PA 15234 • 412/341-1515
1985

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LEARNING DISABILITIES — WHAT IS IT?

The hidden handicap which we term learning disabilities (LD) has been evident ever since people have been required to process information and learn. It has become more noticeable throughout the ages as societies continue to put greater and greater emphasis on learning and education.

Learning Disabilities occur in many forms . . . visual, auditory, motor control, communication, logic, etc. Effective correction must include a total approach to the educational, physiological, psychological and medical needs of the individual child.

The federal government has defined learning disabilities in Public Law 94-142 (The Education of All Handicapped Children Act) as follows:

> "Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance or of environmental, cultural, or economic disadvantage."

Each child, adolescent, or adult with a learning disability is unique; each shows a different combination and severity of problems. A learning disability person is an individual who has one or more significant deficits in the essential learning processes.

The learning disability person is usually considered to have near average or above average intelligence. However, for some reason (sometimes known, sometimes not) there is a gap between potential and achievement.

SYMPTOMS OF LEARNING DISABILITY

The symptoms of learning disabilities are a diverse set of characteristics which affect development and achievement. It is important to note that some of these symptoms can be found in all children at some time during their development. However, *a learning disability person has a cluster of these symptoms* which do not disappear with advancement in age. The most frequently displayed symptoms are: short attention span, poor memory, difficulty following directions, inadequate ability to discriminate between and among letters, numerals, or sounds, poor reading ability, eye-hand coordination problems, difficulties with sequencing, disorganization and numerous other problems which may affect all of the sensory systems. An expanded list of symptoms is included below:

☐ performs differently from day to day
☐ responds inappropriately in many instances
☐ restless, can't stay interested in anything very long, easily distracted
☐ says one thing, means another
☐ difficult to discipline
☐ doesn't adjust well to change
☐ immature speech
☐ doesn't listen well or remember
☐ can't follow multiple directions
☐ forgets easily
☐ has difficulty telling time and telling right from left
☐ has trouble naming familiar people or things
☐ has difficulty sounding out words
☐ writes poorly
☐ reverses letters or places them in incorrect sequences — for example, "d" for "b" and "gril" for "girl"
☐ reads poorly if at all
☐ poorly coordinated
☐ trouble understanding words or concepts
☐ late speech development
☐ late gross or fine motor development
☐ impulsive

A person is not necessarily learning disabled if he or she exhibits only a few of these symptoms, since most individuals show some of them at one time or another. However, a person who has a cluster of these problems needs further examination of his/her possible disability.

HOW WIDESPREAD IS THE PROBLEM?

Many experts believe that there are between 5,000,000 to 10,000,000 (5 to 10 million) children suffering from some type of learning disability. Percentage of incidence ranges from a conservative 2% estimate (which would include only the most severe cases) to a broad based 20% of the total school age population. Recent research indicates that undetected learning disabilities may be the chief problem of a large number of children who do not do well in school. This group would include those children and youth with disciplinary problems and those termed "underachievers" and "dropouts". There is insufficient research to confirm the present number of adults with learning disabilities.

WHY A PERSON HAS A LEARNING DISABILITY

There is no known simple, general explanation why a person has a learning disability. What should be focussed upon is the formulating of a positive plan of action and seeing that plan implemented at school, home, and the community. This plan should include a competent diagnosis, sound educational planning, and treatment of the individual with regard to their strengths and weaknesses.

THE ADULT WITH A LEARNING DISABILITY

It is only recently that the various fields of education, psychology, medicine, rehabilitation and others are beginning to emphasize the fact that learning disability children grow up and become adults with a learning disability. The old notion that the LD child will "grow out of it" is no longer acceptable.

It is also becoming more and more evident that many LD adults are in need of rehabilitation service in order to become productive, working citizens. Special education has not always resolved their problems and provided for their needs.

It was not until 1981 that the Rehabilitation Service Administration (RSA) announced the acceptance of specific learning disabilities as a medically recognizable disability. RSA will provide eligible LD adults with job training services and help in locating employment.

The following is a working definition of adult learning disabilities.

> *Specific Learning Disabilities is a disorder in one or more of the central nervous system processes involving perceiving, understanding and/or using concepts through verbal (spoken or written language) or nonverbal means. This disorder manifests itself with difficulties in one or more of the following areas: attention, reasoning, memory, communicating, reading, writing, spelling, calculation, coordination, social competence, and emotional maturity. The resulting disorder must result in a substantial handicap to employment.

An adult with a learning disability may contact their local State Office or Department of Vocational Rehabilitation for information on eligibility for services.

Many adults with learning disabilities experience success, many do not. Some do not complete high school and others have difficulty gaining admission to post secondary programs. The 1973 Rehabilitation Act provides adults with learning disabilities the opportunity to attain career goals. College students should contact the 504 coordinator on campus for available accommodations.

**Fogarty, Favorini, Goyette, Gragan, McGuire & Monroe*
1982 RSA Grant Pittsburgh, Pennsylvania

COLLEGE INFORMATION

People with learning disabilities can be found on many campuses, ranging from local community colleges to major universities. Some schools are particularly interested in students with learning disabilities, providing specific programs and assistance for those with special learning needs. The number of these specialized facilities is growing. For further information, write to the Association For Children and Adults With Learning Disabilities.

College Board Testing For Learning Disability Students

There is an arrangement that can be made so that learning disabled students can take college board admission tests under special conditions such as extended time, separate test rooms, a reader, or a person to whom answers may be dictated and recorded. *You must make such arrangements far in advance.*
Write: PSAT/MNSQT, Box 589, Princeton, NJ 08540.

HYPERACTIVITY — WHAT IS IT?

The term "hyperactive" has become widely used and widely misunderstood. Much controversy surrounds it. The correct medical terminology is "hyperkinetic syndrome." Hyperactivity is often used interchangeably with the term "hyperkinesis." Hyperkinesis describes a condition in which the individual displays a high degree of physical activity which has no purpose plus a significantly impaired attention span. The person is *unable* to control motion and/or attention. Many physicians have described hyperkinesis as a treatable illness characterized by involuntary behavior and learning problems in a child whose brain maturation is delayed. These physicians feel that the marked tendency of a number of these identified children to improve as they grow older supports this contention.

Cautions

A Health, Education & Welfare report cautioned that the vitality of childhood should not be confused with the very special problems of the child with a hyperkinetic behavior disorder.

Adults who become frustrated with a child's behavior which does not always meet with their standards can easily exaggerate the significance of the child's occasional short attention span or restlessness and label the child hyperactive. Children should be viewed in terms of a developmental sequence: a toddler is more active, restless, and distractable than a school age child: the younger child is more distractable than the adolescent. *It also must be understood that hyperactivity exists in children with no learning problems.*

(continued)

Symptoms of Hyperactivity

A hyperkinetic person:

1. fidgets and is restless
2. is inattentive
3. is hard to manage
4. can't sit still
5. is easily distracted
6. has low frustration tolerance
7. is irritable
8. is undisciplined
9. is clumsy
10. is a poor sleeper
11. has emotional lability (quick shift of moods)
12. is socially inept

Youngsters usually do not suddenly become hyperkinetic. The signals are evident early in the child's life. They are not children who just move a lot because of their age, or nervousness or anxiety stemming from a specific cause.

Diagnosis

Diagnosis of this condition should be conducted by competent professionals: physician, psychologist and/or psychiatrist. This disorder is now more frequently diagnosed than ever before due to the fact that more is known. Nevertheless, some uncertainty still exists. All suspected hyperkinetic children should receive a comprehensive medical and psychological assessment.

DYSLEXIA

Dyslexia or Specific Language Difficulties is a term used to describe those children and adults with average or above average intelligence who have severe difficulty in reading, writing, spelling and sometimes math. At each turn of learning the language, whether it be speech, reading, spelling or writing, these individuals experience severe difficulty and require specialized teaching which is appropriate to their nature and needs, if they are to make the best use of their native intellectual ability.

Some of the more obvious characteristics of Dyslexia may be any combination of the following:

1. Severe difficulty in learning and remembering the printed word or symbol.
2. Reversals of letters or improper letter sequencing (e.g. b for d, was for saw).
3. Bizarre spelling errors.
4. Illegible handwriting.
5. Poorly written composition.

Fortunately, very few people exhibit all of the characteristics of a true dyslexic, but they have enough in common to distinguish them as a group with unique educational needs.

Many professionals today use the term "dyslexic" to include Specific Language Difficulties or the more broadly encompassing term "learning disability." The dyslexic person experiences severe language difficulties. Given appropriate diagnosis with proper therapy, dyslexic students can learn.

LEARNING DISABILITIES PERSONS AND THEIR SOCIAL PERCEPTIONS

Despite the fact that most professionals agree that social adjustment problems are common among many individuals who have learning disabilities, this area has not received much attention. The focus of a learning disability is usually in a learning situation, but the consequences are rarely confined to school or work. Many areas of life are affected, including the role of the LD person in their family, relationships with friends, non-academic functioning such as sports or dancing, and certainly self-image and confidence to handle daily situations.

Some persons with learning disabilities may observe less in their social environment, misperceive more, and may not learn as easily from experience as their friends do. Some children may exhibit an immaturity and social ineptness due to their learning disability. Like many of us, learning disability persons want acceptance, but their eagerness may cause them to try too hard in inappropriate ways.

Behaviors

Common behavior characteristics of learning disability individuals are:

☐ An inability to read and interpret environment and people
☐ An inability to adequately interpret their problems and needs
☐ Little thought about the results of their actions — poor judgment
☐ Poor impulse control
☐ A need for immediate gratification
☐ Inability to set realistic priorities and goals
☐ Inappropriate conclusions due to deficient reasoning ability
☐ Illogical reasons for their actions — sometimes even contradicting what was previously stated
☐ Inability to develop meaningful social relationships with others; usually these children are loners
☐ Inability to draw appropriate conclusions due to poor reasoning
☐ Childish and bossy behavior
☐ An overabundance of frustration resulting in disruptive behavior

TREATMENT

The treatment of this problem of inept logic is not easily accomplished. Competent professional help from a variety of disciplines on an ongoing basis is a necessity to help the individual and society to deal with this lack of social perception.

Sources of further information about learning disabilities and social perceptions include:

*Bader, B.W. — *Social Perception and Learning Disabilities,* (Iowa ACLD).
Johnson, D. — *Learning Disabilities,* (Grune & Stratton).
*Osman, B.B. — *Learning Disabilities: A Family Affair,* (Random House).
*Wacker, J. — *"The Dyslogic Syndrome,"* (Texas Key)
*Special Learning Corp. — *Readings in Learning Disabilities,* (Guildford, Conn.)
*Smith, S. *No Easy Answers,* (Batham.)
*Butten, Richardson, Mangel, *Something's Wrong with My Child,* (Harcourt Brace).
*Osman, B.B. — *No One to Play With* (Random House).
*Silver, L.B. — *The Misunderstood Child* (McGraw Hill).

**Available from ACLD Inc.*

REHABILITATION ACT OF 1973
"The Civil Rights Act for the Handicapped"

In September, 1973, Congress passed a law that prohibits discrimination on the basis of physical or mental handicaps in every federally assisted program in the country. Four sections of this which are of particular importance to the handicapped are:

Section 504 of this Act stipulates that handicapped people have the following rights:

- ☐ As a disabled job applicant or employee, you have the same rights and benefits as a non-handicapped applicant and employee.
- ☐ As a disabled person, you are entitled to all medical services and medically-related instruction available to the public.
- ☐ As a disabled person, you have the right to participate in vocational rehabilitation, senior citizen activities, day care (for your disability child) or any other social service program receiving federal assistance on an equal basis with non-handicapped.
- ☐ You have the same rights as anyone else to go to college or enroll in a job training or adult post-high school basic education program. Your selection must be considered solely on the basis of your academic or other school records. Your disability is not a factor.
- ☐ Your state and local school district must provide under Section 504 an appropriate elementary and secondary education for your physically or mentally handicapped child. This public program must cost no more than it costs parents of non-handicapped children.

If you feel that your rights or those of your child have been violated because of your disability, write or call giving details to:

Office of Civil Rights

Department of Health, Education and Welfare in your region whose address is as follows:

Region I (CT, ME, MA, NH, RI, VT)
140 Federal Street 14th Floor
Boston, MA 02110
617-223-6397

Region II (NJ, NY, PR, VI)
26 Federal Plaza 33rd Floor
New York, NY 10007
212-264-4633

Region III (DE, DC, MD, PA, VA, WV)
Philadelphia, PA 19101
215-596-6791

Region IV (AL, FL, GA, KY, MS, NC, SC, TN)
101 Marietta Street 10th Floor
Atlanta, GA 30323
404-221-2779

Region V (IL, IN, MI, MN, OH, WI)
300 S. Wacker Drive
Chicago, IL 60606
312-886-3456

For Cleveland, Ohio office, Region V
Plaza Nine Building
55 Erieview Plaza Room 222
Cleveland, Ohio 44114
216-522-4970

Region VI (AR, LA, NM, OK, TX)
Dallas, Texas 75202
214-767-4056

Region VII (IA, KS, MO, NB)
Welve Grand Building
1150 Grand Avenue
Kansas City, MO 64106
816-374-2474

Region VIII (CO, MT, ND, SD, UT, WY)
Federal Building
1961 Stout Street Room 11037
Denver, CO 80294
303-844-5695

Region IX (AZ, CA, HI, NV, GU, Trust Ter. Pac. Isles, Amer. Samoa)
San Francisco, CA 94102
415-556-8586

Region X (AK, ID, OR, WA)
2901 Third Ave.
Seattle, WA 98101
206-442-1922

The Office for Civil Rights enforces federal laws prohibiting discrimination against persons on the basis of race, color, national origin, religion, sex, age or mental and physical handicaps and investigates discrimination complaints brought by individuals under these statutes.

6 6

EDUCATION FOR ALL HANDICAPPED ACT
Public Law 94-142

This revolutionary public law was enacted on November 29, 1975. It contains extensive amendments — some of which are the following:

1. Guarantees that all handicapped children have available to them a free appropriate public education.
2. Guarantees that the rights of handicapped children and their parents are protected.
3. Assists states and localities to provide for the education of handicapped children.
4. Assesses and assures the effectiveness of efforts to educate such children.

States and School Districts must demonstrate that:

1. Handicapped children will be educated with non-handicapped children to the extent possible.
2. Policies and procedures will be instituted to safeguard due process rights of parents and children. It mandates that the public education system inform parents of procedures that they can follow to win such education under the law.
3. They will provide all handicapped children with "full educational opportunities."
4. Tests and other materials or methods used to evaluate a child's special needs are neither racially nor culturally discriminatory.
5. Information gathered concerning a handicapped child is kept confidential. Parents must be given the opportunity to see relevant school records prior to a hearing.
6. Upon making application to a special education program, parents must be involved in their child's individualized education program (IEP).

ADVICE FOR PARENTS

HOW CAN I FIND OUT IF MY CHILD NEEDS SPECIAL EDUCATION SERVICES?

Before it can be determined whether or not a person has a learning disability, the following steps should be taken:

1. Schedule a thorough visual, hearing and medical examination to see if the suspected learning disabilities are related to any of these areas. Once the child's visual, hearing and medical condition have been determined, you may need to take the next step which is to:
2. Approach the school district and request a careful assessment of the child's intellectual ability and academic achievement. This testing is done at no cost to the parent.
3. Obtain a written report containing conclusion and recommendations of the evaluation team.

If you believe the school has failed to adequately identify the student as one who requires special services, you may require a due process hearing.

IF I DISAGREE WITH THE RESULTS OF THE EVALUATION, DO I HAVE ANY OTHER OPTION?

If you are dissatisfied with the school's evaluation service, you may wish to get an independent evaluation for the student. This should be performed by a competent diagnostic service.

Under some circumstances the school will assume the cost of such an evaluation. If you desire the evaluation, you should write to the school and request that they pay for this service prior to arranging for the testing services. A refusal to pay for the evaluation may be an issue for a due process hearing.

ELIGIBILITY FOR SPECIAL EDUCATION SERVICES

Once a diagnosis is made and it is felt that the student needs special education services, an individual educational plan is written.

WHAT IS AN INDIVIDUAL EDUCATION PROGRAM (IEP)?

The IEP is a written agreement among all parties clearly setting forth a statement of what will be provided for the student.

WHAT MUST THE IEP CONTAIN?

The IEP must include the following:

1. The present levels of performance.
2. The annual and short-term learning goals, i.e., how much the student is expected to learn over a certain period of time.
3. The special education program and related services which will be provided to accomplish these goals.
4. The extent to which the student will participate in regular education programs, i.e., when, where, and how much time he/she will be with non-handicapped students.
5. When special services will begin and how long they will last.
6. When and how the effectiveness of the plan and the student's performance will be evaluated.
7. Evalute at least annually.

WHAT OTHER RELATED SERVICES ARE AVAILABLE TO MY CHILD UNDER PUBLIC LAW 94-142?

Depending upon the student's unique needs, one or more of the following related services can be provided for in the IEP:

☐ Audiology and Speech
☐ Psychological Services
☐ Medical Services for evaluation and diagnostic purposes
☐ Physical and Occupational Therapy
☐ Early Identification
☐ Social Work Services
☐ Counseling Services
☐ School Health Services
☐ Parent Counseling and Training
☐ Transportation

607B

WHO PARTICIPATES IN THE IEP CONFERENCE?

1. One or both parents
2. The child, if appropriate
3. A representative of the public school who is qualified to provide or supervise the provision of special education in the area of suspected disability
4. The child's teacher
5. A member of the evaluation team who is knowledgeable about the evaluation procedures and is familiar with the results of the child's evaluation.
6. Any other individual who the parents or the agency feel is important to the best interests of the child

WHAT SHOULD THE PARENT DO TO BE SURE AN APPROPRIATE IEP PROGRAM IS BEING PLANNED FOR THE CHILD?

1. Provide the school with a complete background of your child's needs and abilities based upon your observations.
2. Review beforehand your child's school record so that only the most current data is used in setting educational goals.
3. Be aware of the school's reasons for recommending placement.

HOW WILL YOU KNOW WHEN THE IEP MEETING IS BEING HELD?

The school officials must notify you in advance of such a meeting and provide you with a convenient time and place. You should be present at all meetings.

ALL IEP's MUST BE REVIEWED ANNUALLY

A parent can request a revision of the IEP before the annual review date. However, this can only be done after the program has been in effect for a reasonable length of time.

HOW CAN I EVALUATE MY CHILD'S IEP?

A written copy of the IEP must be given to the parent. It should be examined to determine if . . .

1. It states the goals and objectives for your child that were agreed upon in the IEP conference.
2. The goals and objectives are stated in a manner which are understandable to you.
3. The goals and objectives are stated in concrete terms so that progress can be measured by clearly observable signs.

IF I AM DISSATISFIED WITH MY CHILD'S IEP, WHAT SHOULD I DO?

If you become dissatisfied with any stage of the IEP Development or with the final results, you should immediately request a Due Process Hearing. This hearing must take place within a reasonable length of time (45 days).

HOW SOON CAN I EXPECT MY CHILD'S IEP TO BECOME EFFECTIVE?

The child's IEP must take place within 30 calendar days. Every school district is obliged to provide the services specified in the IEP.

WHAT FACTS SHALL I LOOK FOR IN DETERMINING WHETHER THE RECOMMENDED PLACEMENT MEETS MY CHILD'S NEEDS?

By talking with administration and by observing the class, look for the following information:

1. *Class Size* — Most states have no requirements for class size. However, the number of students in a class must be manageable enough so that your child's program can be reasonably implemented.
2. *Class arrangement* — Are students placed according to age, grade, or by disability?
3. *Pupil-Teacher ratio* — The law does not specify any requirements. However, the parent's concern should focus on whether or not the IEP can be implemented.
4. *Classroom atmosphere* — What kind of control is there? Is there organization and structure? Is there good rapport between teacher and students?
5. *Curriculum offerings*
6. *Related services* — Is speech, adaptive P.E., etc., available? How much and how often is it given?
7. *Methods and materials* — Are there special methods or materials that are used to deal with the child's specific disability?
8. *Type of program* — Does the type of program that is being offered meet the needs of your child?
9. *Amount of time* — Is time spent in a given program adequate for child's specific problem?
10. *Grading system* — Will the same grading system be used to evaluate the child in the special education class as is used for the other children in the system or district?
11. *Who will evaluate the child?* — Will it be the responsibility of the regular teacher to evaluate progress or will the special education teacher do this?

REMEMBER: Every identified LD student is entitled to an appropriate education program in the least restrictive placement possible.

HOW SHOULD I APPROACH THE SCHOOL DISTRICT REGARDING DISAGREEMENTS, EVALUATION, IEP'S AND EDUCATIONAL PLACEMENT?

1. Try to settle the issue by going through proper channels and talking with the teachers, the Principal, the Director of Special Education, the Superintendent. Follow this up by sending a letter to the school officials stating your complaint.
2. If you feel they are uncooperative, promptly request a Due Process Hearing. It is mandated by law and represents an important channel for formally resolving any dispute regarding a child.
3. If you cannot persuade the local school system to comply with the law, contact the State Dept. of Special Education, your local ACLD Chapter, a community advocate, Neighborhood Legal Services, or another attorney to help you decide whether to request a hearing.

WHAT IS THE PROCESS FOR OBTAINING A HEARING?

1. Notify your school district and the State Department of Education in writing that you are interested in a hearing on your child's eligibility for special services, program placement, IEP, etc.
   - ☐ State your complaint.
   - ☐ Indicate the name of the school district and the names of the persons involved in the original decision.
2. Keep a copy of your letter and any response that is made to it.
3. The hearing must take place within 45 days from the time the letter was sent or that the problem was pointed out to the school officials.

WHAT RIGHTS DO PARENTS HAVE REGARDING HEARINGS?

1. Parents may bring to the hearing any lawyer, community advocate, professional or any other person who can help in representing both the parent and the child.
2. You can present information about the child's needs, including the results of independent testing.
3. You can require that particular school officials attend the hearing and you have the right to question them.
4. You can prevent the introduction of any records or evidence that has not been made available to you at least 5 days before the hearing.
5. You can open the hearing to the public; otherwise, it is closed.
6. Your child can be present if you desire.

HOW SHOULD I PREPARE FOR A HEARING?

1. Obtain an independent evaluation.
2. Seek help from someone who knows about the rights of children and who is not emotionally involved in the proceedings, i.e., community advocate group, parent groups, neighborhood legal services, or the local ACLD Chapter.
3. If you do not belong to a parent organization, join one! There is strength in numbers.
4. Request copies of your child's records. Have any statements corrected which are inaccurate, unfair, or misleading.
5. Organize in a chronological sequence whatever school documents, health records or notes on meetings with school personnel that may be important to your case.
6. Obtain a copy of the IEP if there is one.
7. Obtain a copy of your school district's plan for special education services.

WHO IS RESPONSIBLE FOR ARRANGING THE HEARING?

The School District and/or the State Department of Special Education has the responsibility for arranging the hearing. It must take place at a time and place which is convenient for you, the parent. You must also be informed beforehand what legal and other services are available to help you with the hearing.

IF I AM NOT SATISFIED WITH THE DECISION MADE AT THE STATE LEVEL REVIEW, TO WHOM CAN I APPEAL?

If the state-level decision is unsatisfactory, the next recourse would be civil action in the appropriate state or federal court where judicial review is conducted. This process is usually restricted to a review of the local school system hearing. Since this is a serious step it is wise to obtain an attorney who is knowledgeable of the special education due process system.

RIGHTS OF PARENTS, REGARDING . . .

YOUR CHILD'S RECORDS

☐ To review and inspect them.
☐ To request and obtain interpretations of them.
☐ To know the policy regarding storage of records, how long they are kept, and when they are destroyed.
☐ To reserve permission for anyone other than the school and certain public agencies to have access to them or to use the information contained therein.
☐ To have certain records removed from files.

MEETINGS CONCERNING YOUR CHILD

☐ To have advance notice.
☐ To actively participate.
☐ To be represented at the meeting by any person of your choice.

EVALUATIONS

☐ To give or withhold permission to have your child tested.
☐ To have your child tested by an interdisciplinary team.
☐ To have a series of tests administered which confirm the existence of a handicapping condition.
☐ To receive an explanation of the causes and what can be done about the difficulty.

PLACEMENT

☐ To have an educational placement done by a team of qualified people.
☐ To have a program tailored to meet your child's specific needs.
☐ To place the child in the "least restrictive environment" in which an appropriate program can be provided.
☐ To have appropriate educational related services which meet the child's needs regardless of whether the service is currently available in the school system.
☐ To challenge any decision made regarding the identification, placement and education of your child.

INDIVIDUAL EDUCATION PROGRAM

☐ To have an IEP written for your child within 30 days after the evaluation team has diagnosed the child to have a handicap.

☐ To be informed in advance of the IEP meeting and to participate in its development, revision and review.

☐ To agree or disagree with any aspect of the child's educational program.

☐ To have a fully-paid private school placement if an appropriate placement is not available within the public school systems.

TRANSPORTATION

☐ To be provided with transportation to and from school with whatever specialized equipment is necessary.

☐ To be provided with reasonable travel time — not more than one hour travel time one way.

☐ To receive free transportation if the child is enrolled in an approved private school of special education.

DUE PROCESS

☐ To request and obtain a due process hearing if you disagree with any findings, recommendations regarding identification, evaluation or educational placement for your child or if the special services are inadequate.

TAX INFORMATION

If you are a parent of a handicapped person you have several possibilities for claiming deductions and/or tax credits in addition to the former standard deduction which has now been replaced by a flat amount the law calls the "zero bracket amount".

The manner in which the medical expense deduction rules apply to special schooling costs for children with learning disabilities is the subject of two recent revenue rulings:

☐ The first ruling involved tuition fees paid by a taxpayer for a child's education at a special school. The child had severe learning disabilities, and the child's doctor recommended that the child attend a special school having a program designed to educate such children. The IRS concluded that the tuition costs paid by the taxpayer were deductible under Code Sec. 213. Not only was the school a "special school" as defined by the regulations, the child's disability was the principal reason for his or her being there.

☐ The second ruling concerned not only tuition fees but tutoring and transportation expenses as well. Under the facts of the ruling, a taxpayer sent his or her dyslexic child to a special school. The taxpayer incurred tuition, tutoring, and transportation costs in connection with providing treatment for the child. The IRS concluded that, to the extent such expenses were primarily for and essential to the medical care of the child, they were deductible under Code Sec. 213, ¶8926.

For further information, the Internal Revenue Service Publication 17, "Your Federal Income Tax" is updated annually and contains complete information about exemptions, medical deductions and tax credits. In addition, two specific IRS publications are helpful: 502, "Deductions for Medical and Dental Expenses" and 503, "Child Care and Disabled Dependent Care". These are available at any IRS office.

GLOSSARY OF TERMS

AGNOSIA — inability to recognize object and/or events when presented through the senses.

AGRAPHIA — inability to write words, inability to manipulate a writing instrument, and/or master syntactic principals.

ALEXIA — inability to read due to injury or damage to the brain centers: "word blindness."

APHASIA — the inability to express oneself through speech, writing, or signs; or inability to understand spoken or written language. This impairment can be due to injury or disease of the brain centers.

APRAXIA — difficulty performing motor movement in the absence of any paralysis.

AUDITORY PROCESSING — the ability to use the ear and brain to make sense out of what was heard.

AUDITORY BLENDING — the bringing together of parts that were heard into the whole word.

BEHAVIOR MODIFICATION — a process in which a set pattern (stimulus-response) is changed. Term is used to imply a system of changing negative behavior.

BILATERAL — both sides of the body working together.

BINOCULAR FUSSION — the ability of the eyes to work together to form one meaningful image.

BODY IMAGE — the ability of the mind to form a picture of one's own body.

CLOSURE — the ability to make a "whole" from the parts. Example: seeing C-A-T and coming up with the word "cat".

CO-ORDINATION — the harmonious movement of the muscles of the body in order to perform complex movements.

CROSSED DOMINANCE — a condition in which the generally used or preferred eye, hand, or foot are not the same side of the body.

DECODING — the ability to take in symbols through either the eyes (visual) or ears (auditory) and derive meaning.

DIRECTIONALITY — the projection of laterality outside the person.

DISCRIMINATION — to be able to differentiate between two visual, auditory or tactual signals.

DUE PROCESS HEARING — the legal right of a parent to request and have a formal meeting with their State Department of Education and School District when avenues or communication have broken down or problems have arisen in their child's special education program which cannot be agreed upon.

DYSCALCULIA — the inability to do simple mathematics.

DYSGRAPHIA — a disability in which handwriting is disorganized, and/or hard to read.

DYSLEXIA — impairment in the ability to read. This might be due to a learning disability, emotional problems, developmental facts, genetic or other reasons.

ENCODING — the output of verbal symbols through motor movement, speech, writing and/or gesture.

EXPRESSIVE LANGUAGE — refers to output thru the following channels — speech, writing or gesture.

EYE HAND COORDINATION — the ability of the eyes and the hand(s) to work together in a productive way.

FEEDBACK — the ability of a person to self monitor information.

FERNALD METHOD — a technique used with L.D. individual which uses a multisensory approach to teach.

FIELD OF VISION — the entire area which can be seen without moving the eyes.

FIGURE-GROUND DISCRIMINATIONS — the ability to sort out important information from the overall environment.

FINE MOTOR — use of small motor muscles for such tasks as writing, speech, eye movement, etc.

IEP — these initials stand for the Individualized Educational Plan which is to be drawn up within 30 calendar days after your child has been diagnosed by the evaluation team. You, your child if appropriate, the school's educational team, and anyone else you deem appropriate to be included in drawing up this plan.

INTEGRATION — the ability of the body to work together.

KINESTHESIS — body movements and the ability of the body to be aware of these motions.

LATERALITY — internal awareness that the body has two sides and that they are different.

LEFT HEMISPHERE — section of the brain that deals with language.

LEFT-RIGHT DISCRIMINATION — involves knowing the difference between the left and right sides of the body before movement is made.

LEARNING DISABILITY — refers to the term which classifies a person of at least average intelligence who has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may also involve imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. (see complete Federal definition.)

LRE — initials standing for least restrictive environment, P.L. 94-142 states that handicapped children are educated with non-handicapped children to the maximum extent possible and that the placement of a handicapped child outside the regular classroom occurs only when the nature or severity of the handicap is such that education in a regular class with the use of supplementary aids and services cannot be achieved satisfactorily.

MAINSTREAMING — usually this term and the least restrictive environment term have been used interchangeably; *other times mainstreaming* is used to mean placement of handicapped students in regular classrooms only. *(Sometimes,* this is done not taking into consideration what the child's academic needs are — *author's note)*

MIDLINE — an imaginary line dividing the body in two, running from the top of the head to the feet. It serves as a point of origin.

MIXED CEREBRAL DOMINANCE — a term used to point out that right or left dominance has been securely established.

OCULOMOTOR — eye movements.

ORGANICITY — a term referring to organic causes of thinking and behavior difficulties of deficits. The terms usually describe neurological deficits.

ORTON-GILLINGHAM — a technique used in teaching Learning Disabled persons devised by Dr. Orton, B. Stillman, and Ann Gillingham, stressing a multisensory approach to learning.

PERCEPTION — the ability of the brain to correctly interpret the stimuli (information) it receives.

PERCEPTUAL MOTOR PROBLEM — inadequate functioning of the perceptual processes and/or the motor processes.

PERSEVERATION — continued repetition of words or motions to the point by which they become meaningless.

PHONETICS — the study of the production of vocal sounds, especially in relation to language.

PUBLIC LAW 94-142 — a law enacted by the 94th Congress in 1975, to assure that all handicapped children to the age of twenty-one have available to them a free appropriate public education which emphasizes special education and related services to meet their unique needs. The services are to provide the most "normal atmosphere" possible.

PSYCHOMOTOR — the relationship between the brain and the muscles.

READINESS — possession of physical, mental, and emotional preparedness for a given learning activity.

REFLEX — a specific motor response to a certain stimulus.

RHYTHM — an inner awareness of time and space intervals produced through integrated movement.

RIGHT HEMISPHERE — that section of the brain usually attributed to visual-spatial, creative ability and intuitive reasoning.

SENSATION — the information a person receives through the stimulation of his sensory nerve endings.

SENSORY-MOTOR — the relationship between sensation and movement.

SLINGERLAND — a highly structured multisensory teaching method designed for group instruction of the learning disabled.

SOUND SYMBOL — relationship between the sound of a word or letter and its printed form.

STANFORD BINET — an intelligence test that has a series of subtests designed to cover an age range from two to adult. The scores result in a mental age converted into an IQ.

TACTILE — having to do with touch.

VAKT — a visual-auditory kinesthetic tactual method of word study.

VISUAL ACUITY — keenness of vision.

VISUAL DISCRIMINATION — adeptness at perceiving likeness and difference in geometrical figures, pictures and word elements.

VISUALIZATION — the ability to picture, relate and manipulate during sensory input or that following it.

VISUAL-MOTOR — a term dealing with visual reception and motor expression areas plus intersensory integration.

VISUAL PERCEPTUAL PROBLEM — inability to interpret correctly what was seen.

VOCALIZATION — movement of the lips, tongue, or vocal parts.

WHOLE WORD METHOD — word analysis without the use of phonetics. The word is taught as one unit.

WISC-R — are initials which stand for the Wechsler Intelligence Scale for Children, revised edition, a measure of mental maturity. This test provides a verbal IQ, a performance IQ and a total indication of these subscale scores — a full scale IQ.

WORD ATTACK SKILLS — the analysis of an unfamiliar word into known elements for the purpose of identification.

FOUNDATION FOR CHILDREN WITH
LEARNING DISABILITIES

This booklet was made possible by a grant from the Foundation For Children With Learning Disabilities, a national, not-for-profit organization located in New York City. FCLD is devoted to assisting people everywhere in understanding the special needs and potentials of children with learning disabilities and to increasing services for the millions of children with learning disabilities and their families.

ACLD-R&D PROJECT SUMMARY

(A STUDY INVESTIGATING THE LINK BETWEEN LEARNING DISABILITIES & JUVENILE DELINQUENCY)

Dorothy Crawford
Project Director

Supported by Grant Numbers 76-JN-99-0021 and 78-JN-AX-0022 from the National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U. S. Department of Justice. Points of view or opinions in this paper are those of the author and do not represent the official position or policies of the U. S. Department of Justice.

ACLD-R&D PROJECT SUMMARY

This summary is in three parts:

1. Capsuled historical overview of the reason for and purpose of the study;
2. Highlights of the study's results; and
3. Recommendations or conclusions.

I. HISTORY

A. The issue of a possible link between learning disabilities and juvenile delinquency surfaced in the late 1960's and early 1970's.

B. NIJJDP responded in 1975 to this increased interest and concern in learning disabilities and juvenile delinquency. They had Dr. Charles Murray, American Institutes for Research, commissioned to evaluate current theory and knowledge relevant to the proposition that learning disabilities increase the risk of becoming delinquent and to make policy recommendations. Murray, after reviewing the hard evidence that had been gathered through 1975, concluded that previous research was so inconclusive that it could not be used (to quote Murray) "even for rough estimates of the strength of the link." His report recommended that carefully controlled investigations be conducted to determine the effects of learning disabilities on delinquency. Also, that an academic remediation program be designed, implemented and conducted and evaluated to assess the effects of diagnosing and treating delinquents with learning disabilities. Similar conclusions and recommendations were reached in a study conducted by the GAO about the same time.

C. In 1976 NIJJDP funded the R&D study, the purpose of which was to establish reliable data that would assist in a methodical development of informed policy and programs. One grant was awarded to the Association for Children with Learning Disabilities (ACLD) to design and conduct a remediation program for LD juvenile delinquents, to improve academic skills, change school attitudes and reduce the delinquency of LD teenagers who had been officially adjudicated as delinquents by a juvenile court. A second grant was awarded to the National Center for State Courts (NCSC) to undertake investigations of the relationship, if any, between learning disabilities and juvenile delinquency and to conduct an evaluation of the effectiveness of the ACLD remediation program.

II. HIGHLIGHTS OF THE RESULTS

Note: The designs of both the research and development components were carefully planned with special precautions taken to insure valid and reliable data.

A. Research

1. The evidence for the existence of a relationship between learning disabilities and self-reported delinquency was statistically significant.
2. LD adolescents reported a significantly higher frequency of violent acts.
3. LD was strongly related to official delinquency. The probability of being officially delinquent (on a national measure) was 9 of every 100 LD adolescent males compared to 4 of

every 100 non-LD adolescent males. To put it even more dramatically: the odds of being adjudicated delinquent were 220% greater for adolescents with learning disabilities than for their non-LD peers!

4. The same odds ratio applied for being taken into custody by the police.
5. The incidence of LD in the adjudicated delinquent group was 32%. This indicates that a substantial proportion of official delinquents are handicapped with LD.

These data alone indicate LD youths as a high risk group of adolescents in need of special services. They are a population who are relatively a higher risk than their non-LD counterparts. The comparative basis is what gives us reason for concern.

6. The greater delinquency of LD youths could not be attributed to sociodemographic characteristics or a tendency to disclose socially disapproved behaviors.
7. The data indicated that LD contributed to increases of delinquent behavior both directly and indirectly through school failure.
8. For comparable offenses LD juveniles had higher probabilities of arrest and adjudication than those without LD.
9. Among adjudicated delinquents there was no difference between those LD and non-LD for being incarcerated.
10. As officially non-delinquent boys advance through their teens,

those with LD experience greater increases in delinquent activities.

Finally, while only a relatively small proportion of the youth population is affected by LD, LD appears to be one of the important causes of delinquency.

B. Remediation Program's Results

1. There was significant improvement in intellectual growth with 55 to 65 hours of remedial instruction in one school year.
2. There was a dramatic decrease in delinquency with at least 40-50 hours of instruction. The instruction was significantly effective in preventing or controlling future delinquency.
3. A major factor in preventing delinquency was not academic skills improvement but seemed to be due to the nature of the relationship between the adolescents and the LD Specialists.
4. The model of instruction did significantly provide academic/intellectual growth and reduce delinquent activity; it did not statistically change school attitudes.

III. RECOMMENDATIONS

These recommendations are made on the basis of (1) the results of the R&D study; (2) initiatives that should or could be conducted at state and local levels; and (3) consideration of social and economic cost effectiveness.

Although additional research is certainly needed, it is recommended that the present findings, in combination with the other research done to date, be used to guide the formulation of juvenile justice and educational policy. We believe that our research provides a sound basis for informed action.

The findings demonstrate that adolescents handicapped by learning disabilities are a high risk group for delinquency. This implies that juvenile justice, human services, and educational agencies should target special prevention and rehabilitation programs for this population. Some rehabilitation programs such as our remediation program and Project New Pride, have proven effective in remediating academic deficiencies and reducing future delinquency. The availability of such rehabilitation services should be expanded. Most practitioners and researchers believe that it is important to identify and offer special services to learning-disabled children before they become official delinquents; that is, while they are still at an early age. Although there is no firm evidence to support this contention, such a prevention strategy for predelinquent learning-disabled children is reasonable enough to warrant implementation and evaluation.

Learning-disabled youths' relatively greater probability of arrest and adjudication for offenses comparable to those of non-learning-disabled teenagers suggests that special court services may be needed to offset the disadvantages suffered by this handicapped group. Training programs on the difficulties confronted by learning-disabled youths in the juvenile justice system could be helpful in augmenting the skills of police and probation officers, prosecutirs, defense attorneys, and judges to deal effectively with this group of youthful offenders. Thoughtful consideration ought to be given to special court procedures for handling learning-disabled youths. Recently several of these have been proposed or adopted in some courts.

We must have a major stimulus to local agencies to implement programs. An initiative from national level could be very effective in stimulating state and local juvenile courts, correctional institutions and educational agencies to offer remedial services for learning-disabled delinquents and predelinquents. A public awareness campaign should be mounted to provide information to the general public about the potential need for and benefits of delinquency prevention and control among children with LD. More importantly, research results and recommendations should be disseminated to federal, state and local organizations that serve learning-disabled youth. Interest and commitment will have to be developed at the community level in order for the necessary resources to be allocated to providing prevention and rehabilitation services for learning-disabled children and youth.

Once communities have become interested in and expressed a desire to create such prevention and rehabilitation services, they will be immediately confronted by the problem of how to implement and efficiently operate these programs. Information and training needs to be made available to local agencies concerning curriculum materials; teacher training; LD assessment; program management; public awareness programs; models for implementing the remedial instruction design in schools, alternative educational programs, correctional facilities, and youth service agencies; approaches to coordinating the resources and demands of the juvenile courts, schools, and other agencies; ideas for revising juvenile justice procedures (e.g., forms) to promote fair treatment of learning-disabled teenagers who have been taken into police custody; and a host of related issues.

There are obvious needs for procedures manuals on LD assessment, local program evaluation, and program monitoring to identify subgroups not benefitting maximally from the remedial services.

One of the greatest needs that will be confronted by local program planners will involve creating organisational and management plans that will promote coordination of effort by local agencies. Local efforts could be aided immensely if program models for the coordination of juvenile justice, educational, and youth services agencies were available to them.

At the federal level, we need practical research, program development, training and technical assistance and information dissemination.

In common ordinary terms, to implement these recommendations is cheap insurance.

THE ACLD-R&D PROJECT:
A STUDY INVESTIGATING THE LINK BETWEEN LEARNING DISABILITIES AND JUVENILE DELINQUENCY
EXECUTIVE SUMMARY

Dorothy Crawford
Project Director

ACLD-R&D Project
Phoenix, Arizona

July 1982

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ACLD-R&D PROJECT:
A STUDY INVESTIGATING THE LINK BETWEEN LEARNING DISABILITIES AND JUVENILE DELINQUENCY

EXECUTIVE SUMMARY OF THE DEVELOPMENT PROGRAM

This summary describes the planning, preparation and conduct of an academic treatment program for adjudicated delinquents identified as learning disabled. It was designed to assist in the development of informed policy and programs with respect to learning disabilities and juvenile delinquency.

HISTORICAL OVERVIEW

During the past several years, increasing attention and concern have been paid to the possibility of an empirical relationship between specific learning disabilities (LD) and juvenile deinquency (JD). In response to this interest and concern, the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), Office of Juvenile Justice and Delinquency Prevention (OJJDP), commissioned a study by the American Institutes for Research (AIR) that summarized the available data and made policy recommendations.

The AIR report[1] concluded that while the existing literature clearly indicated the learning problems of delinquents warranted further investigation, it would be premature for OJJDP to fund major service delivery initiatives as the evidence on a link between LD and JD was inconclusive at best. Nevertheless, the topic was deemed worthy of further, more systematic exploration. The report recommended that carefully controlled research be conducted to determine the incidence of LD among a few basic populations, including the juvenile offender and the non-delinquent. The report also recommended the conduct of a development project to assess the effects of diagnosing and treating LD among juvenile delinquents.

In light of these recommendations, NIJJDP funded an LD/JD Project in October 1976. The purpose of the program was to obtain reliable data that would assist in the development of informed policy and programs with respect to learning disabilities and juvenile delinquency. It consisted of three major components: (1) a study of the prevalence of LD among samples of officially non-delinquent adolescents and juvenile offenders (as defined by records of adjudication) in several parts of the country;

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1. Murray, C. A., The Link Between Learning Disabilities and Juvenile Delinquency: Current Theory and Knowledge, U. S. Government Printing Office, Washington, D. C., 1976.

(2) a research and development effort aimed at the remediation of groups of delinquents with learning disabilities, located at the same sites as the prevalence study; and (3) formative and summative evaluations of the LD/JD remediation program. Thus, there were five major objectives set to be achieved through the project's three components. These objectives were as follows:

1. The determination of the prevalence of LD in groups of adjudicated delinquent and officially non-delinquent 12-to-15 year old boys;
2. an exploration of some of the definitional issues concerning learning disabilities;
3. the conduct of an instructional (remediation) program for selected groups of 12-to-17 year old boys and girls who have been adjudicated delinquent and classified as learning disabled;
4. an evaluation of the effectiveness of the remediation program, with respect to resulting changes in the participants' academic achievement and delinquent behavior; and
5. the follow-up of youths in the officially non-delinquent public school sample, to determine what changes in delinquent behavior have occurred, and the relationship of these changes to LD.

Two organizations were funded by grants from the NIJJDP to conduct the project. The Association for Children with Learning Disabilities (ACLD) assumed the responsibility for the remediation program (development component) targeted at the remediation of LD offenders in the metropolitan areas of Baltimore, Maryland; Indianapolis, Indiana; Phoenix, Arizona; and at the Arizona Youth Center in Tucson, Arizona. The National Center for State Courts (NCSC)[2] was awarded a grant to conduct both the prevalence study and the evaluation of the LD/JD remediation program. The NCSC contracted with the Educational Testing Service (ETS) to administer psychoeducational diagnostic assessments of the students. (See Table I).

The first tasks to be initiated and completed were those involving planning and preparation. In the latter part of 1976 and early 1977, the NCSC evaluators and the ACLD project representatives met numerous times with a national advisory group of researchers and practitioners from the

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[2] The first phase of the research program was conducted at Creighton University and ended on 8/31/78. The two-year continuation of the research and evaluation components was conducted by the National Center for State Courts.

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APPROACH TO INDIVIDUALIZED REMEDIAL PROCEDURES

Stage I Creighton Institute/NCSC

Research Design

Stage II Subcontractors, ETS

Provide Operational Definitions
Identify Population - Incidence Study
Provide Diagnoses - Pre-Test Procedures

Stage III National Project Director, ACLD

Initiate, Maintain, and Coordinate Procedures
Program Methodology

Stage IV Program Director, ACLD

Selection of Objectives
Tasks
Procedures
Materials

Design and Implement Prescriptions

Stage V Learning Disabilities Specialists, ACLD

Implement Remediation Program

Stage VI Evaluation

Creighton Institute/NCSC
Formative Evaluation of Remediation Program
Total Project Evaluation

ACLD Project Site Staff
Periodic Assessment of Individualized Program

Subcontractor-ETS
Post-Testing Procedures

TABLE I

areas of learning disabilities and juvenile delinquency. Also, ACLD and NCSC staff met with local advisory groups in the three target cities.

Discussion at these meetings focused upon a wide range of issues. Researchers were concerned about the difficult definitional issues, the research design and the type of educational model selected. Practitioners were concerned with the restrictions of the model, due to research purposes.

At any rate, at these early meetings, operational definitions of LD[3] and JD[4] were established, a battery of psycho-educational tests was identified and an academic remediation program was formulated.

Agreement from key agencies (in educational and juvenile justice systems) to cooperate was gained. Following this accomplishment, the most time-consuming task of all during this stage was that of obtaining written informed consent[5] from the parents of the juveniles. The basic research and evaluation design as exhibited in Table II was adopted.

There was a review of educational records of 12-15 year old male juveniles[6] for whom informed consent had been received.

The process implemented by the ETS diagnostic assessors was based on the following:

> "At a conceptual level, LD is considered to be evidenced by a significant discrepancy between a child's expected achievement (based upon intelligence test scores) and his or her actual achievement. Additionally, the discrepancy must not be attributable primarily to mental retardation, physical handicap, emotional disturbance, or environment disadvantage. The discrepancy is presumed to result from interference in the processes of

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[3] Barrows, T. S.; Campbell, P. B.; Slaughter, B. A.; Trainor, M. L., Psycho-Educational Diagnostic Services for Learning Disabled Youth, Educational Testing Service, Princeton, New Jersey, 1977.

[4] Greguras, F. M.; Broder, P. K.; Zimmerman, J., Establishing an Operational Definition of Juvenile Delinquency, Institute for Business, Law and Social Research, Creighton University, Omaha, Nebraska, 1978.

[5] Greguras, F. M.; Broder, P. K.; Zimmerman, J., The Impact of Legal Contracts on Human Subjects Protection: A Preliminary Case Study, Creighton University, Omaha, Nebraska, 1979.

[6] Study criteria set age limits for the youths to be included and specified that the subjects be primarily English-speaking and not evidence of mental retardation, severe emotional disturbance, or physical handicap as primary handicapping conditions.

Schematic Representation of Study Design

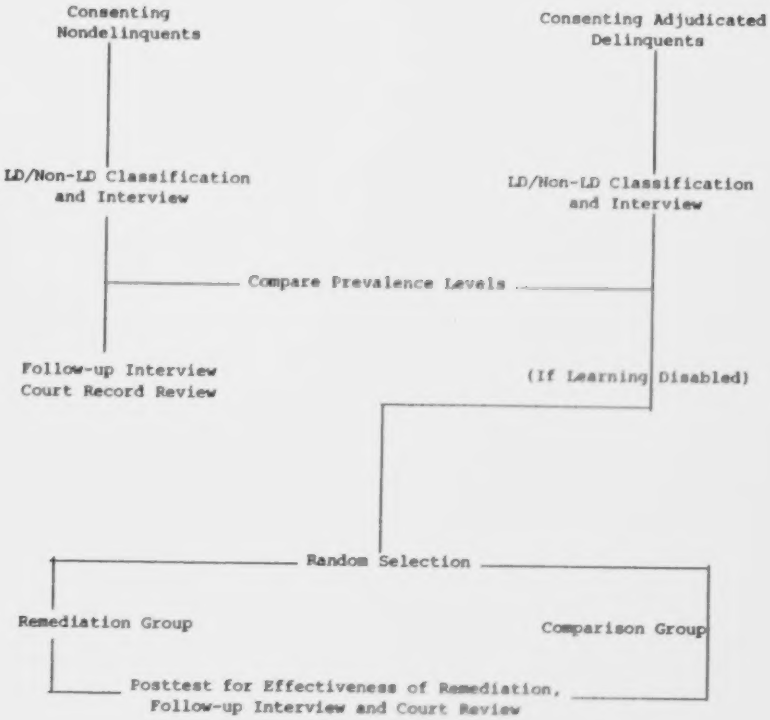
Consenting Nondelinquents
Consenting Adjudicated Delinquents
LD/Non-LD Classification and Interview
LD/Non-LD Classification and Interview
Compare Prevalence Levels
Follow-up Interview Court Record Review
(If Learning Disabled)
Random Selection
Remediation Group
Comparison Group
Posttest for Effectiveness of Remediation, Follow-up Interview and Court Review

TABLE II

receiving information, using it in cognition, or communicating the cognitive result.

"Two major procedures were used to operationalize this concept. First, a review of educational records was done to screen out children who obviously were not learning disabled. Second, the children who could not be screened out were given a battery of standardized tests.

"In the review of each child's school records, trained reviewers searched for any evidence of discrepancies in test scores or school grades, any clinical or anecdotal observations suggesting LD, and evidence of factors that would rule out LD as a primary classification (e.g., mental retardation, emotional disturbance, etc.). The interviewers were trained to err on the side of caution; if there were insufficient records or doubt about the proper judgment, the child was to be referred for complete testing. Children for whom sufficient data were available and who showed no recorded indications suggesting LD were classified as not learning disabled and referred only for interview.

"Those children who were not classified as non-learning disabled on the basis of the records review were given a three-and-one-half hour battery of tests. The main testing instruments used were a children's test of intelligence (Wechsler Intelligence Scale for Children - Revised), tests of reading and mathematics achievement (the Woodcock Reading Mastery Test and the Key Math Diagnostic Arithmetic Test), and a test of perceptual-motor ability (the Bender-Gestalt).

"Based upon the test scores (and including ratings of observations of the child's behaviors during the testing session), each child was then classified as learning disabled or not. The classification decision was made by a computerized algorithm to ensure a consistent application of the decision rules. Briefly, a child was classified learning disabled when the protocols revealed three independent discrepancies among the following: a two-year or greater discrepancy among three WISC-R factor scores, (Witkin, 1974), between the WISC-R scores and achievement scores, or between the achievement scores; a Bender-Gestalt score of three or more (Koppitz (1963) scoring); two or more ratings of pronounced difficulties on the WISC-R observations; and three or more ratings of pronounced characteristics in the behavioral observations. Finally, children whose achievement test scores were at or above age-appropriate grade levels and those having a full-scale IQ more than two standard deviations below the mean were classified as non-learning disabled, rather than learning disabled." (Keilitz, I.; Saks, M. J.; Broder, P. K., *The Evaluation of the Learning Disabilities/Juvenile Delinquency Remediation Program; Evaluation Design and Interim Results*, pp. 55-56, National Center for State Courts, Williamsburg, Virginia 1979)

In addition, an interview was administered from juveniles whose records were reviewed, as well as from those who were tested. The interview included questions about personal characteristics, family background, attitudes toward school, and self-reported delinquent activity.

Of the adjudicated delinquent youths who were classified as learning disabled, half were selected at random, by the evaluators, for inclusion in the remediation program, the remainder were assigned to a control group. Pre and post data were available for 120 members of the remediation group and 110 of the control group. The ethnicity break-down was 45% white, 38% black and 17% other minorities.[7]

A. ACLD-R&D REMEDIATION PROGRAM

Design/Description

The remediation program was conducted in three locales, each representing a different demographic focus. Baltimore represented an urban, high density eastern black community; Indianapolis, a mid-western area, rural/semi-rural community with an appalachian and minority population; and Phoenix, representing a southwestern geographical area and a multiethnic population.

Each site had a program team to implement and conduct the remediation program. The teams consisted of a Program Director, Learning Disability Specialists and Aides. The program staff were certified teachers of Special Education in the states where they resided. The Program Directors held Masters or Doctorates in Special Education; they directed the program locally. Nationally, the Project Director was responsible for administering the overall grant program.

The program began in September 1977, and ran through July 1979, with the goal of providing at least the equivalent of one hour for each school day of a school year (i.e., 9 months) of remediation to each juvenile in the remediation sample population. The program was based on an academic treatment model in contrast to other models such as the behavioral-theoretical or medical. Remedial methods focused on school subjects and were written to ameliorate or compensate for students' deficiencies in the basic academic skill areas.

There were three major program objectives. These were to improve scholastic achievement, reduce the juveniles' delinquent activities and improve school attitudes. The program evaluation[8] was designed to examine the data collected to determine if the remediation program achieved these objectives.

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[7] Dunivant, N., The Relationship Between Learning Disabilities and Juvenile Delinquency, Brief Summary of Research Findings, (p. 3), National Center for State Courts, Williamsburg, Virginia, 1982.

Program strategies were established. The strategies were designed as a vehicle to facilitate conducting a successful program for a group of juveniles whose school records indicated that historically they had experienced school failure in the basic academic skills. The strategies were: 1) work on a level that increases proficiency in the functional areas; 2) use each juvenile's preferred modality; and 3) employ techniques for learning how to learn.

The sample population at each site received remediation whenever and wherever it could be arranged - preferably during the time the juvenile was in an educational setting. Remediation sessions took place in school facilities, libraries, correctional facilities, detention centers, city jails, parks, place of youth's employment, project site offices, and at times at the youth's home. The LD Specialists functioned as itinerant teachers. They traveled from location to location in order to conduct remediation with their assigned students. The caseload per LD Specialist averaged from 6 to 12 students with 1 to 3 hours' remediation per week with each student.

Goals and objectives were written to delineate the type of remediation that would be most appropriate for each youth. The following sequence of events became standard procedure once a juvenile was assigned to the remediation group:

1. Review of student's diagnostic evaluation from ETS including recommendations. Review by site Program Director and full staff.

2. Caseload assignments by site Program Director to LD Specialists.

3. Locate and initial contact with student by LD Specialists.

4. Administration of additional formal/informal testing, i.e, Written Language Sample, Slingerland, Malcomesius, etc., by LD Specialists.

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[8] Dunivant, N.; Saks, M. J.; Broder, P. K., An Evaluation of the Effectiveness of the ACLD Remediation Program in Improving the Educational Achievement of Learning-Disabled Juvenile Delinquents.

Dunivant, N.; Saks, M. J.; Broder, P. K., Preventing Delinquency Among Learning-Disabled Juvenile Delinquents: Evaluation of the ACLD Academic Remediation Program.

5. Remedial prescription written using all diagnostic evaluation results.

6. Student and Program staffing - remediation schedule and location.

7. Writing lesson plans and identification of resource materials.

8. On-going remedial instruction.

9. Weekly staffing - Program Director with staff.

10. On-going assessment and monitoring of individualized remedial prescriptions.

The program model was based on the premise that learning disabilities produces poor achievement; poor achievement creates strain; and the combination of LD, poor achievement and strain results in juvenile delinquency.

The program was initially three-dimensional in design. One dimension was to teach in a direct manner basic academics in the functional skill areas: language, reading, written language, and/or arithmetic using the juvenile's preferred learning modality. The second dimension was to stress continued learning gaining information in spite of low skill entry level. The third dimension was a focus on positive movement and modification in self-concepts. This latter dimension was deleted as it presented yet another variable to measure in an already complex research design.

Also, initially, there was a planned formative (on-going) evaluation to be conducted by NCSC. With a formative evaluation, program staff would have an objective, on-going, and up-to-date assessment of each student's individualized prescription to provide a basis for redesign when necessary. Unfortunately, the formative evaluation feed-back was not operational until a few months before the conclusion of the remediation program. All assessments and evaluations of this nature were made by the site Program Directors and Project Director on at least a quarterly basis.

The remediation model was a combination of two academic treatment programs: (1) ability (process) training, and (2) task analysis.[9] The

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[9] Piazza, R. (Ed.). Three Models of LD. Guilford, Conn.: Special Learning Corp., 1979.

Ysseldyke, J. E.; Salvia, J. Diagnostic-Prescriptive Teaching: Two Models. Exceptional Children, 1974, 41.

attempt was made to use the segments of the two models which would be the most effective and omit the segments which would not appear to be useful for 12-16 year old adjudicated delinquents with LD. A battery (Table III) of tests identified each juvenile's impaired perceptual processes and defined the juvenile's preferred modality (visual, auditory, tactile or kinesthetic). The diagnostic evaluation also indicated each juvenile's basic level of achievement in reading and arithmetic, written language, and spelling.

A thorough study of each juvenile's file was made. This included an evaluation of the juvenile's academic status to assist in decision making. Informal reading, math, spelling, and interest inventories were administered. Generally, prescriptions were written after the informal testing. Lesson planning followed the completion of the prescription.

Remediation sessions followed after completion of lesson plans. The sessions had specific goals and time limits. These were formulated to facilitate success in learning. Each youth had a separate folder which contained the individual short term objectives, lesson plans, materials and workbooks.

Lessons were outlined in detail using a task analysis approach where each learning step was presented singularly. Mastery of each task was demonstrated before the next step was introduced by the Specialist. Informal assessment techniques were used based on the R&D Prescription Code to determine the entry level of remediation. Teaching in these small components helped to build a better academic foundation.

Affective considerations were incorporated in order to facilitate intervention strategies. There were three primary factors involved. They were the student capability levels, remediation setting and positive and negative reinforcement.

Scheduling/Tracking and Managing Sample Population

All personnel kept a detailed daily log of activities and events.

GROUP 1 - LOCATORS

1. The locators recorded in a log book all attempts to contact a specific client.
2. After the client was located, a correct (current) address and phone number were recorded.
3. The school schedule and work schedule were recorded. If the school counselor's name and phone number were known, they were also noted.
4. The locator explained the Project, using a comprehensive script, to the client.
5. The locator scheduled an appointment with a member from Group 2.

DIAGNOSTIC BATTERY USED FOLLOWING SCREENING AND DECISION PROCESS

1. WISC-R
2. BENDER VISUAL MOTOR GESTALT TEST
3. WOODCOCK READING MASTERY TEST
4. ROSNER'S AUDITORY ANALYSIS
5. HIDDEN FIGURES TEST
6. KEY MATH DIAGNOSTIC ARITHMETIC TEST
7. CHILDREN'S EMBEDDED TEST (PART 2)
8. NUMBER COMPARISON TEST
9. HIDDEN PATTERNS
10. SWINTON-WEPMAN VISUAL ORIENTATION TEST
11. THURSTONE FLAGS

PROGRAM STAFF TESTING

1. WRITTEN LANGUAGE SAMPLE
2. MALCOMESIUS SPECIFIC LANGUAGE DISABILITY TEST
3. SLINGERLAND (IN SOME INSTANCES)
4. OTHER INFORMAL TESTS

TABLE III

6. All completed data were sent to Group 2.

GROUP 2 - TESTING DATA COLLECTORS AND REVIEWERS

1. Reviewed the file data and compiled any questions.
2. Determined any additional testing, such as Detroit, Malcomesius, Written Language Sample, other.
3. Administered and scored additional testing. Kept all testing protocols together in the file.

GROUP 3 - PRESCRIPTION WRITERS

1. Wrote prescriptions according to form provided, complete with sample and easy to follow instructions.
2. All prescriptions were written by the Learning Disability Specialists.
3. Sent completed file to Group 4.

GROUP 4 - SCHEDULERS AND COMMUNITY COORDINATORS

1. At this stage, remediation was initiated. The scheduler and community coordinator arranged a place for remediation to occur.
2. The clients were assigned to Specialists, mostly by geographic area.

ROLE OF PROGRAM DIRECTOR

Every procedure required close supervision. The Program Director's responsibilities were:

1. Oversee the effectiveness, ensure quality control and problem solve in all four aforementioned groups.
2. Document any difficulties and develop strategies to effectively remedy them.

There is a bibliography of the remediation program's reports attached to this Summary. The printed products of the remediation program include its resource materials catalog, curriculum guide and assessing written language sample procedures. To fully comprehend the program's methods and treatment strategies, it is important to study all the printed products in addition to this document.

B. PROGRAM DIRECTORS FINAL REPORTS - SUMMARIES AND EXCERPTS

BALTIMORE SITE
Program Director, Belton Wilder, Ph.D.

My major tasks consisted of hiring staff and making certain that they maintained control of the data collection process that was clearly outlined in the policy and procedures manual. I was also responsible for getting to know our caseload of students to make certain they were accounted for and that they were maintained in their respective groups (control and experimental).

There were goals and objectives written by me in the beginning of my tenure. Of course, they were consistent with the policy and procedures established by ACLD and ACLD Project Director during the formation of this national study. The goals consisted of:

1. Maintaining all students assigned to us by Educational Testing Service.
2. Engaging the remediation participants in consistent remediation.
3. Motivating the students to insure their constant participation.
4. Reporting all terminations to the project office.
5. Reporting all academic activities to the National Center for State Courts.
6. Working with the control trackers as they monitored the movement of the control group of students and as they questioned the LD Specialists regarding the remediation experimental group's participation.

There were also telephone calls with the Project Director on a weekly basis. These calls assisted with technical advice that was needed to insure an efficiently operated program. When there were decisions that needed immediate attention, the Project Director made herself available to assist me with making those decisions.

The ACLD-R&D was commissioned by NIJJDP to document the possibility of a relationship between learning disabilities and juvenile delinquency. We were hired by the ACLD-R&D to do the leg work in this study, collect and report data, track and control all clients for that purpose. We were responsible for involving these clients in a program of change. This program of change consisted of an academic treatment model.

Looking back at the study, and the personnel who worked hard and diligently to make the study a success, I can say truthfully that there was an impact by all of us. I sincerely feel that we touched the lives of these young people. We made promises to each one and we were able to follow through on most of the promises.

We became their friends as well as trusted confidants. We provided them with a service that made life an improvement for them. We could not change the total picture of their lives because of limited resources, but we were able to make a good impression . . . a gesture toward change in a very positive direction.

INDIANAPOLIS SITE
Program Director, Jamia Jacobsen, M.Ed.

The Staff: Teachers were recruited who met the qualifications and guidelines of the project, who had the personality and perseverance to travel in good and bad weather, and track youths in areas that were not considered the best. Whenever possible, each teacher hired was assigned to an area of the city in which the teacher lived. Emphasis was placed on selecting teachers from each geographical area of the city during the first or initial hiring.

The staff was informed on teaching procedures and utilized innovative and expert reinforcement techniques. An intensive inservice program was presented and the teachers were exposed to a variety of materials. Materials were vital to each teacher. They desired to have input in the selection of the materials. This was a most positive aspect of this project.

Practicum students were also an active part of the program in the first year. All were in a Master's program within the Special Education field. Research Assistants (RA) were assigned to the project during the second grant period. The RA's were obtaining degrees in Education, Psychology, Criminal Justice fields, or were retired teachers.

PHOENIX SITE
Program Director, Loretta Weingel-Fidel, M.Ed.

Programmatic Guidelines: The primary task during the first month of the project was the writing of programmatic guidelines. Included in this was the writing of:

1. remediation program objectives;
2. a framework categorizing the functional areas involved in a learning disability remediation program;
3. a discussion of the major modalities for learning necessary to achievement in the functional areas;
4. a classification of tasks both teacher and student;
5. suggested methodology and materials;
6. a compilation of task checklists for the functional areas;
7. a flow chart of individualized remedial procedure.

Other duties included interviewing job applicants for the positions of Learning Disability Specialists.

Telephon: One of the most time-consuming (December-March), as well as important activities was the telephon, whose purpose was to gain parental consent for both the adjudicated juvenile delinquent and public school population. Literally thousands of parents were telephoned and informed of the goals of the ACLD-R&D Project for the purposes of enlisting their child's participation. Volunteers to do the phoning were recruited from the (1) Courts, (2) Private Schools, (3) District Schools' LD staff, (4) Arizona ACLD, (5) Junior League, (6) University School of Nursing, (7) State Center for Law in the Public Interest, (8) University Department of Special Education, (9) PTA, (10) Organization of Junior Women, (11) State Department of Rehabilitation and Vocation, as well as miscellaneous others. All of these volunteers were trained at intensive inservice sessions by both ACLD and National Center for State Courts.

Community Support and Participation: The planning stage of the project included numerous activities designed to create good public relations between the project and the community. These activities established a network of support and public interest for the issues being raised by the ACLD-R&D Project. Because of the extensive groundwork done at this time, an excellent community relationship was developed and maintained throughout the project.

Inter and Intra Component Planning Sessions: The planning stage of the project was a time for idea exchanging, procedure and policy writing, format development and overall structuring of the foundation and workings of the ACLD-R&D Project. Throughout this phase, the interactions between ACLD, Educational Testing Service and National Center for State Courts were characterized by high productivity and excellent rapport.

SUMMARY OF PROBLEMS FROM THE NATIONAL PROJECT OFFICE

1. ADMINISTRATIVE

The primary administrative problem was mainly in the realm of logistics. They were staggering from the initiation of the project. Most activities appeared to be of equal importance and equally complex.

Gaining the cooperation of key agencies at each site consumed many hours of travel and meetings. In most cases, each participating school district's Board of Education was approached by representatives of both grants. Numerous meetings were conducted with key individuals from the courts, corrections, educational agencies and advisory groups. In one school district, the School Board requested (and we acquiesced) the Informed Consent letters to parents be written in both Spanish and English. This was done to be certain that all parents would understand the purpose of their son/daughter's participation. The problems and solutions of gaining Informed Consent were well documented in quarterly progress reports to NIJJDP.

The assignment of caseloads to LD Specialists by geographical area was the next major logistic. The sample population was particularly transient at the Phoenix site. Throughout the months of remediation, scheduling was an administrative headache. One practical aid was a Student Tracking Form devised for the LD Specialists to track their caseloads.

2. PROGRAM

a. A major program problem was one of circumstances beyond our control. The sample population, according to the project's design, was to be 12-16 year old juvenile delinquents. As it turned out, the average age of the sample population was 15.2 years when they started in the program. By the fall of 1978, most of those participating were 16.2 - 18.0 years of age.

Few of the juveniles had received special services for their LD. By and large, the LD adolescent who does not receive any assistance during the elementary school years, develops severe emotional problems. So, the staff were faced with writing an academic treatment program for a multi-handicapped population. The difficulty was developing resource materials that could be adapted to the varying deficits; but material whose content would be interesting to the older adolescent. The point is, an academic treatment model is difficult to implement and conduct with the older adolescent especially when one is restricted to presenting strictly academic intervention to a population that has experienced academic failure all their school years.

b. The second program problem was lack of feedback from the Formative Evaluator. The most constructive feedback would have been from the Monthly Activity Tally reports. Unfortunately, the data was not translated in any form from the researcher to the program staff.

Program modifications were made through the Program Director's assessments and evaluations of each site's on-going remediation program. Additional technical assistance was issued by the Project Office. This assistance was produced by the Project Director's surveying the Monthly Activity Tally reports, site evaluations and making recommendations from the information available. However, more formal information on the progress of the program from the evaluator would have been very beneficial.

Problems Cited by Program Directors According to Program Component and Problem Category*

Program Component	Problem	Number	Percent
Student	Attendance/Absenteeism	27	5
	Delinquency	15	3
	Behavioral Control	7	1
	Educational Progress	1	a
	Attrition	30	6
	Total	80	16
Teacher	Student Rapport	11	2
	Relationship with Others	3	1
	Morale	11	2
	Performance	22	4
	Attrition	39	8
	Personal Matters	7	1
	Total	93	19
Instruction	Quality (Overall)	6	1
	Scheduling	73	14
	Process/Content	12	2
	Materials	4	1
	Total	95	19
Program	Access/Coordination	22	4
	Management	31	6
	Policies	25	5
	Physical Space	10	2
	Support Staff	10	2
	Public Relations	18	4
	Personal Development (Staff)	9	2
	Total	125	25
Setting	Environment	8	2
	Social/Political Mileau	1	a
	Funding	6	1
	Research/Evaluation Reactivity	83	17
	Total	98	21
Total		491	100

[a] Less than 1 percent.

*Based on a personal communication from the Evaluator.

TABLE IV

Ten Categories of Significant Events and Problems Cited Most Frequently by Program Directors of the *LD/JD Project*[*]

Significant Events	Problems
Scheduling	Research/Evaluation Reactivity
Research/Evaluation Reactivity	Scheduling
Policies	Attrition (Teacher)
Access/Coordination	Management
Performance (Teacher)	Attrition (Student)
Public Relations	Attendance/Absenteeism
Educational Progress	Policies
Attrition (Teacher)	Performance (Teacher)
Delinquency	Access/Coordination
Behavior Control	Public Relations

[*] Based on a personal communication from the Evaluator.

TABLE V

C. CONCLUSIONS AND RECOMMENDATIONS

I. CONCLUSIONS

Historical Summary: The remediation program was implemented to test the value of diagnosing and treating LD as a tool to prevent delinquency and/or as a rehabilitative treatment program. The ultimate purpose of the project was to provide information to assist in the development of informed policy with respect to learning disabilities and juvenile delinquency. The purpose of the remediation program was to create a vehicle (a) to measure the impact of remediation on the educational performance of school related attitudes of LD juvenile delinquents; and (b) to assess the effects of remediation on subsequent delinquency. The program model was based on the hypothesis that LD plus school failure plus social stress equals juvenile delinquency. Therefore, the remediation program had three major objectives for its sample population: (1) increase academic achievement; (2) change school attitudes; and (3) reduce delinquent activity.

The results of the effects of the remediation program and research data have been thoroughly documented in a series of reports by Broder and Dunivant. Two of the reports are: An Evaluation of the Effectiveness of the ACLD Remediation Program in Improving the Educational Achievement of Learning Disabled Juvenile Delinquents, National Center for State Courts, Williamsburg, Virginia, May 1981; and Preventing Delinquency Among Learning Disabled Juvenile Delinquents: Evaluation of the ACLD Remediation Program, National Center for State Courts, Williamsburg, Virginia, July 1981.

Some extremely important results of the remediation program and research data are now evident. First, the data indicate there is definitive evidence that LD youth engage in significantly more delinquent behavior than non-LD youth. Second, the school failure hypothesis was pretty much confirmed. Third, the remediation improved reading and arithmetic achievement test performance. The point of dramatic gains was where at least 55-65 hours of remediation had been received. Overall gains were found for written language expression skills. Remediation was most effective for younger delinquents with low performance ability and for older juveniles with high performance ability. The delinquents with high pre-test arithmetic achievement scores gained more than did those with low pre-test scores. Overall, the remediation program was more effective for the LD delinquents than the non-LD delinquents. Fourth, change in school attitude was minimal. Fifth, the remediation program participants evidenced in post-testing a significant decline in delinquent activity compared to the control group. There was a threshold effect when the juveniles received at least 35 hours of remediation. Finally, the program was conducted as designed.

The ACLD-R&D remediation program results indicate that certain academic intervention will rehabilitate LD delinquents. Additional results suggest that with early identification and the same type intervention future delinquency could be prevented among children with LD.

The conclusions are of significant import in relation to the continuing increase of juvenile crime; the incidence of LD in both officially non-delinquent and adjudicated delinquent populations; and the serious social and economic costs of crime which could be drastically reduced by appropriate remediation programs.

II. RECOMMENDATIONS

Remediation Program Recommendations:

Evaluate to determine specific learning disabilities and the adolescent's primary learning modality.

Develop individualized learning plans.

Develop a plan that focuses on the strengths of this modality, teach to the strength and not the weakness.

Develop a plan that allows for at least 50 hours of remediation work in a school year.

When possible, have remediation relate to school subjects and school activities.

Provide lots of structure. Design a highly structured environment for the youth.

Work in a neutral environment that is free of distractions.

Work in short 20-minute sessions rather than in longer blocks of time.

Design a variety of program modifications to the ACLD model such as social skills training, motivational development, vocational skills training and, where possible, work experience/on the job training.

Develop techniques to avoid teacher and student "burn-out."

Policy Recommendations

The establishment of adequate psychoeducational testing programs in the lower school grades in order to diagnose learning disabilities at the earliest possible age.

Provision of appropriate individualized programs in the school systems that will correct or minimize the problems of learning-disabled youngsters.

Demonstration, evaluation and refinement of the ACLD remediation model.

The development within court systems of clinical services which can detect learning-disabled children who have escaped earlier detection.

The development of inservice training programs for law enforcement, courts and institutional staff to detect learning disabilities and problems.

The development of uniform policy and programs between the educational and juvenile justice systems.

In sum, looking at our national school drop-out rate and recidivism rate in the juvenile justice system, we seem to be compounding failure rather than building on success. In short, the old attitudes, cliches, myths, and dogmas are not working. Clearly, we need to take a new look at those factors that lead youth into trouble, failure, and an ever-increasing drain on their collective potential and on society's ability to foot the costs.

To effectively serve the LD youth, there must be a combined cooperative effort of staff and public officials who can create, implement, conduct, and fund an appropriate service delivery program for this high risk group of youth.

BIBLIOGRAPHY

Crawford, D.; Wilson, M. Resource Materials Catalog. A compilation of the remediation program's multi-media resource materials by academic skill area, grade level of content interest, reading level, publisher, series and item titles, types of materials and description with a catalog guide. April 1980. 100 pp. NOT AVAILABLE.

Wilson, M.; Crawford, D.; Gering, R. An Academic Treatment Model Curriculum Guide. This is a combination guide and manual divided into four sections. It contains a detailed glossary, discussions on various LD commonalities, learning styles and a complete curriculum. The curriculum guide presents instructional objectives, teaching strategies matched to learning styles and suggested resource materials, all of which were part of the remediation program. July 1980. 242 pp. NOT AVAILABLE.

Lambourne, J.; Crawford, D. Procedures for Assessing Written Language Samples. A booklet which describes the procedures and methods used in drawing and assessing written language skills of the remediation/control groups of the project. November 1980. 38 pp. $5.00.

Crawford, D.; Wilson, M. Appropriate Resource Materials for the Juvenile Delinquent With Learning Disabilities. A booklet which categorizes the resource materials and programs used by publisher, skill area and in the order which the materials were found to be most appropriate and/or successful. February 1980. 19 pp. $3.50.

Crawford, D.; Wilson, M. The General Educational Development Program: An Alternative for the Delinquent With Learning Disabilities. This pamphlet presents the framework of the program used for the juveniles in the remediation program who were school dropouts with little interest in returning to any form of academics. April 1980. 9 pp. $1.75.

Crawford, D.; Wilson, M. Affective Considerations for Developing Intervention Strategies Used in the ACLD-R&D Project. A booklet describing affective considerations and intervention strategies used for teaching the sample population. June 1980. 13 pp. $2.00.

Crawford, D. ACLD-R&D Final Report. This report is in two volumes. The first gives a detailed narrative description of the remediation program - the approach, goals, methods of an academic treatment model with a timeline and a complete case study. The second volume is an index exhibiting pre/post-test results of both the remediation and control populations with conclusions and recommendations. September 1981. 166 pp. NOT AVAILABLE.

Crawford, D. The ACLD-R&D Project: A Study Investigating the Link Between Learning Disabilities and Juvenile Delinquency, Executive Summary. May 1982. 21 pp. $2.50.

R&D TRAINING INSTITUTES
P. O. Box 15112
Phoenix, AZ 85060

Specialist LD Specialist

Date November 8, 1978

ACLD-R&D PROJECT PRESCRIPTION OUTLINE

Client Name Client A

Address

Phone Code 000 D.O.B.

P.O. Phone

School Grade 9

Remediation Site

SUMMARY OF DIAGNOSTIC FINDINGS:

Client is functioning within the bright average range of intelligence as indicated by the WISC-R. He performs better in non-verbal areas than verbal. He demonstrates a short attention span, especially towards auditory stimuli. Auditory memory and discrimination skills are inadequate and in need of remediation. Visual processes are well developed and function effectively. Client is functioning significantly below grade level in math. He demonstrates incomplete mastery of basic computational skills. His awareness of time is also deficient. Reading skills indicate incomplete mastery of phonics and word identification. Memory of material appears to be interfered with by client's auditory processing of the stimuli/symbols resulting in an incomplete memory for what is read.

REMEDIATION RECOMMENDATIONS
11/8/78

Problem Area	Objectives	Method	Material	Timeline
Reading: Comprehension				
21.01 Sequence	Learn to identify sequential order	Task Analysis	Book Lab, Inc. Hip Reader; Allyn & Bacon Breakthrough Reading Series	3 months
21.11 Critical Judgments	Learn to evaluate and identify the author's purpose, viewpoint and competency		Book Lab, Inc. Hip Reader Black History Series; Ann Arbor Publishers Critical Reading Series	3 months
Word Attack Skills				
22.03 Phonetic Analysis	Learn to analyze words to enable student to identify the phonetic components		DLM Sound Foundations Program I; William Morrow Co. Writing Road to Reading	3 months
Spelling	Use phonograms; Review and develop knowledge of spelling rules; tie in with work on vocabulary development		Spalding Spellbound Word Study I & II	3 months

LESSON PLAN FORM - 4-79

STUDENT CLIENT A

SPECIALIST JANE DOE

DATE APRIL-MAY

REMEDIATION

ACADEMIC AREAS	DEFICIT AREAS	PROGRAM DIRECTOR COMMENTS
READING	PASSAGE COMPREHENSION	
MATH	TIME	

OBJECTIVE	ACTIVITY	MATERIALS	RESULTS
INCREASE KNOWLEDGE OF THE CONTEXT CLUES FOR PASSAGE COMPREHENSION	TEACH INFERENCES FROM TITLES AND PICTURES	SCIENCE RESEARCH ASSOCIATES CAREER READING SERIES	4/22 INTERESTING DISCUSSION
	READ STORIES WITHOUT ENDINGS. HAVE STUDENT MAKE SOME UP	ANN ARBOR CRITICAL READING SERIES	4/26 ORAL WORK BETTER THAN WRITTEN
	USE NEWSPAPERS TO HELP DEVELOP UNDERSTANDING OF DIFFERENT INTERPRETATIONS	SCHOLASTIC CONTACT	4/28 BEGINNING TO THINK MORE CRITICALLY
TO DEVELOP A BETTER UNDERSTANDING OF THE CALENDAR	USE MATH PROBLEMS BASED ON ACTUAL CALENDAR - DEC. - MAY	ALLYN & BACON SUCCESS WITH MATH	4/25 CONFUSED ABOUT COMPUTI DAYS OF THE MONTH, HOUR IN THE DAY, MINUTES IN THE HOUR 4/28 BETTER UNDERSTANDING

PRESCRIPTION
PAGE SIX (CONT.)

PROBLEM AREA	OBJECTIVES	METHOD	MATERIAL	TIMELINE
AUDITORY PROCESSING	WRITE WORDS AND SENTENCES FROM DICTATION; ENGAGE IN CONVERSATION; ORAL READING - ASKING QUESTIONS AT END OF MATERIAL		SPALDING SPELLBOUND WORD STUDY I & II	3 MONTHS
MATH FRACTIONS	REVIEW ADDITION, SUBTRACTION, MULTIPLICATION AND DIVISION OPERATIONS FOR FRACTIONS; DRILL AND PRACTICE ALL AREAS; PROCEED TO DECIMALS/PERCENTS; USE WORD PROBLEMS TO HELP APPLY SKILLS		SPECTRUM SRA COMPUTATIONAL SKILLS ADVENTURES WITH ARITHMETIC A) FRACTIONS B) DECIMALS C) PERCENTS	3 MONTHS
TIME	REVIEW CONCEPTS OF TIME RELATIVE TO EVERYDAY SITUATIONS		SPECTRUM	3 MONTHS

(VISUAL LEARNER)

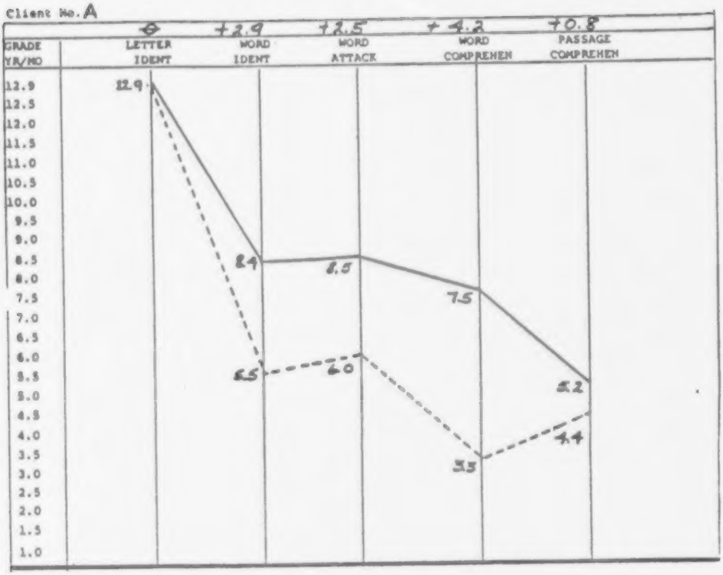
MONTHLY ACTIVITY TALLY (MAT)

REPORTING PERIOD 4-23-79 TO 5-18-79

AME OF STUDENT: CLIENT A NAME(S) OF TEACHER(S): ____________

PLACE OF REMEDIATION: ____________ - ____________

DATE	ACTIVITY	PRESCRIPTION	MATERIAL	DURATION	RATIN (0,+,+
4-23	TEACH INFERENCES	21.04	SRA CAREER READING	20	++
	READ STORIES WITHOUT ENDINGS	21.08	ANN ARBOR CRITICAL READING	15	++
	USING CALENDAR FOR MAY WORK ON MATH PROBLEMS BASED ON CALENDAR	51.15G	ALLYN & BACON SUCCESS W/ MATH	10	0
4-26	USE NEWSPAPERS TO CONTRAST DIFFERENT INTERPRETATIONS	21.09	NEWSPAPERS	15	++
	REPEAT CALENDAR WORK	51.15G	SUCCESS WITH MATH	16	+
	BASIC MATH COMPUTATION	51.01, 02, 03, 04	FLASH CARDS	14	+
4-28	WORK ON INFERENCES	21.04	CAREER READING	25	+
	REVIEW COMPUTATIONS SKILLS (MULT.)	51.03	SUCCESS WITH MATH	20	+
4-30	USE SPORTS PAGES OF NEWSPAPER TO DISTINGUISH FACT AND OPINION	21.05	NEWSPAPERS	10	+
	USE LIST OF CRITERIA FOR JUDGING READING STORY	21.11	BOOK LAB HIP READER P. 31-36	25	++
	REVIEW MULTIPLICATION SKILLS	51.03	MERRILL SKILLTAPES	10	+
5-3	DENTIST APPOINTMENT - MISSED				
5-5	PRESENT PICTURES FROM FOLDER FOR INTERPRETATION	21.07	TEACHER MADE	15	++


Client No. A
0
+2.9
+2.5
+4.2
+0.8
GRADE YR/MO
LETTER IDENT
WORD IDENT
WORD ATTACK
WORD COMPREHEN
PASSAGE COMPREHEN
12.9
12.5
12.0
11.5
11.0
10.5
10.0
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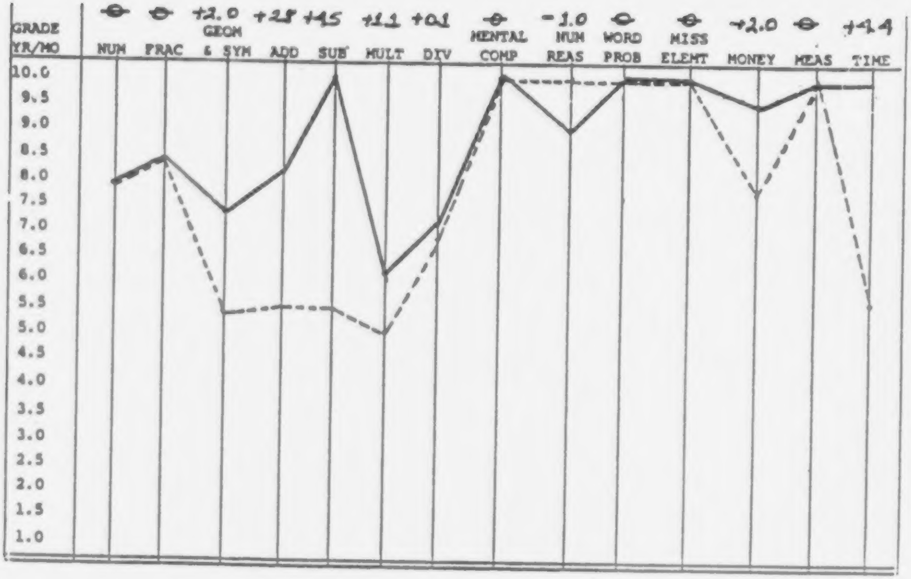
4.4



LEGEND= --------PRE-TEST RESULTS PER CLIENT EXHIBITED.
________POST-TEST RESULTS PER CLIENT EXHIBITED.
RAW SCORES ARE CONVERTED TO GRADE EQUIVALENCY.

RECAP: MINUTES IN REMEDIATION
1351 READING
960 MATH
1549 OTHER BASIC SKILLS

Total Time 62 Hours
(3,840 Minutes)

one day their was this
guy named paul and he was
high. Well any ways.
he started spaced out and
he thought he saw
his chick. (he was seeing things)
actually, it was some little
third grader and he
was 16. Well any ways
he came down and taughed
his ass off. 50

Well, one Day Lisa was scopen out The scene with guys and she really Dug on this dude named George. Now George was a stuck up jock and Really a tight wad with Chicks. So Lisa was stuck ~~with th~~ with haveing to ask George to go to the prom ~~ball~~. She was really Nervous!! So She asked him in Class. ~~And~~ he acted all ~~nice~~ Nice. And the held her hand and said yes. that Night She was with her mom getting ready waithing till 9 o'clock for George. he never Came. turned out ~~She~~ that He ~~with~~ went with Sally.

POOR LISA.

# W 93

# S 10

W/S 9.3

CASE STUDY ANALYSIS: CLIENT A

Client A is a 14-year 11-month old learning disabled youth who is on parole living in a half-way house. His first contact with the courts was at the age of 12 years 2 months because of possession of a dangerous substance. At that time, he was placed on probation, lived at home and attended a public school. Subsequent to his adjudication as a delinquent, he was apprehended two more times for possession of drugs and finally he was sent to a correctional training school because of drugs and grant theft auto. He had been on parole at the half-way house for approximately 3 months when he came into the R&D Project.

His parents were married and living together. He was the 3rd child of four. His parents reported (as did he) that none of the other children had been in trouble nor had any school related problems. Client A reportedly had had experience with school failure since the third grade. He had not been identified as LD prior to his involvement in the Project.

This client was in the remediation program from September 14, 1978, until June 10, 1979. He was at the half-way house the entire time. He was twice a runaway but called the LD Specialist to meet. His formal remediation sessions did not commence until November 8, 1978, following completion of informal testing, staffing and written individualized educational plan. He received remediation for 7 months, with a total of 62 hours' remediation.

Client A is functioning with the bright average range of intelligence as indicated by the WISC-R. He performs better in non-verbal areas than verbal. He demonstrates a short attention span, especially towards auditory stimuli. Auditory memory and auditory discrimination skills are inadequate and in need of remediation. Visual processes are well-developed and function effectively.

The client is functioning significantly below grade level in math. He demonstrates incomplete mastery of basic computational skills, as well as decimals and fractions. His awareness of time is also deficient. Reading skills indicate incomplete mastery of phonics and word identification. Memory of material appears to be interfered with by Client's auditory processing of the stimuli/symbols resulting in an incomplete memory for what is read.

DIAGNOSTIC TEACHING STRATEGIES

Sequencing Instruction

Make teaching decisions based on each juvenile's mastery of specific objectives.

Attention

The attention of some juveniles wander from time to time. Some may be prompted to day-dream more than usual because they do not understand the topic or the directions for the learning activity. In these instances, revise instructions into simpler language.

The way in which instructional materials are used may also produce unnecessary distractions for some. When this is the case, try using a page marker or a mask to hide all but the areas the juvenile is actually working on.

Perhaps the most frequent problem related to attention span is the actual length of time a juvenile is capable of giving to a particular learning task. Sometimes merely reorganizing the time devoted to various lesson activities will give a better learning experience. A 20-minute lesson might be divided like this:

5 minutes - Develop a new concept or skill
2-3 minutes - Discuss and give directions
7 minutes - Drill or other reinforcement
5 minutes - Game or activity related to lesson

Organize lessons into mini-blocks so the student can give more of himself to the lesson. Adapt an approach that is comfortable for you and that the student responds to best.

Concept Development

Concept development is important in each academic basic skill area of the student's experience. You must decide whether the juvenile understands the concept. One concept development sequence that has been especially successful with students who have difficulty understanding is to present the idea in three stages: The manipulative stage, the pictorial stage, and the symbolic stage. Special emphasis on the initial manipulative stage helps students make the mental leap to the pictorial and symbolic (look-see-say) stage.

After teaching a lesson, measure the juvenile's deficiencies, state achievement expectations for that lesson, and explain them to the juvenile. In this way, the juvenile can remove the deficiency and bring him or her to the level of expected performance.

Memory

Remembering is related to an adolescent's ability to pay attention and understand concepts and to his or her learning rate. Being able to retrieve basic facts quickly from memory is important to success in most topics. Many students' handicaps affect the speed with which they think or their ability to abstract must over learn basic facts and other memory-related information.

Learning Rate

Learning rates vary from student to student. What you can do is: (1) keep him or her in mind when you prepare a lesson, (2) diagnose deficiencies and state expectations clearly.

Delayed Language

Juveniles whose language development has been delayed for one reason or another will need more DO-SEE activities.

Fine Motor Problems

Juveniles with fine motor problems will have difficulty with manipulatives and writing activities. A peer tutor or "buddy" can be especially helpful in these kinds of activities.

TEACHING HOW TO LEARN TIPS

Dictionary-Pictionary

Help the adolescent make his or her own collection of examples of vocabulary or picture models of concepts. This will give the child easy access to a reference model and make it possible to complete a task even if he or she cannot remember how to begin.

Visual Prompts

Visuals such as charts, checkpoints of steps in a procedure, the use of color, etc., can help students learn.

Overlearning

Check after instruction for retention of concepts, facts, and procedures.

Competition

Avoid competition in timed activities. Instead use timed activities so that the juvenile races against his or her own best time.

Practical Application

Making practical applications of concepts makes learning easier. Use the classroom store or newspaper, sports statistics, etc.

Strengths and Interests

Focus on juvenile's strengths and interests. Begin a lesson with a topic of juvenile's interest or with a previously demonstrated strength to help develop self-concept and to motivate him or her.

Encouragement

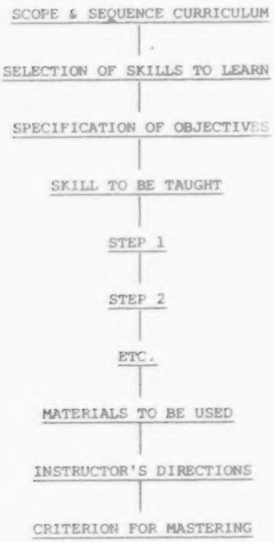
Use praise and encouragement to reward positive growth. When correcting written and oral responses, indicate correct and acceptable work before revealing a strategy to deal with errors.

Diagnostic Interview

A diagnostic interview can help pinpoint the source of a juvenile's frustration, lack of understanding, or interest and put you in a better position to clarify, remediate, and provide instruction.

TASK ANALYSIS INSTRUCTIONAL METHOD

FLOW CHART



IN ORDER TO ASSESS PERFORMANCE AND COMPETENCIES OF BASIC ACADEMIC SKILLS, WE DEFINED EACH AREA AND DEVELOPED A PERFORMANCE CHECKLIST AS A GUIDELINE FOR MAKING JUDGMENTAL DECISIONS FOLLOWING INFORMAL TESTING AND OBSERVATIONS.

TASK ANALYSIS METHOD OF INSTRUCTION.

Task Analysis is a method which breaks down into the smallest possible steps, a particular task we want a student to learn or master.

For example, to master dictionary skills, the tasks are:

1. Competency in alphabetizing
2. Learn usage of guide words
3. Definitions
    a. Single word meanings
    b. Multiple word meanings
4. Pronunciation mastery
5. Special usage skills
    a. Abbreviations
    b. Plurals
    c. Homonyms, etc.

6 11

CHESTER COUNTY INTERMEDIATE UNIT

The Glen Mills School is a Private Residential Rehabilitation Institution located in Glen Mills, Pennsylvania. The school is a private institution licensed to educate and rehabilitate adjudicated males between the ages of 14 and 18. The students are placed in Glen Mills through the Juvenile Court System.

Glen Mills, as part of its total educational program, currently offers two resource classrooms for students identified as exceptional. The students may spend up to 50% of their school day in these classrooms, receiving help with their academic and behavioral problems. These resource rooms are considered mixed category in that students of differing exceptionalities may be assigned there.

The Special Education Program at Glen Mills has a pre-approval status with the Bureau of Special Education, Pennsylvania Department of Education. The Chester County Intermediate Unit plays a monitoring role in the special education program at Glen Mills, and Intermediate Unit staff serve on the Multi-Disciplinary Team that identifies and makes program recommendations for students placed in the resource rooms. Students, who were previously identified as exceptional before being placed in Glen Mills, will be assigned to the resource room. These students who have difficulty in the regular education program at Glen Mills will be evaluated and screened by the Multi-Disciplinary Team and, if found to be exceptional, will be offered the resource room.

It is understood that all the special education protections and procedural safeguards guaranteed by federal and state law and regulations will apply to exceptional students in Glen Mills.

George F. Golden, Jr.
Assistant Director of Special Education

jwm

1530 East Lincoln Highway • Coatesville, PA 19320 • (215) 383-3800

cciu

THE GLEN MILLS SCHOOLS

SPECIAL EDUCATION PROGRAM

Glen Mills Schools is a non-profit Residential Institution which houses approximately 425 adjudicated delinquent young men. Glen Mills provides educational services to all of our students to accomodate their individual academic needs.

Glen Mills offers an approved Special Education Program that is designed to meet the needs of all students who are currently classified as exceptional children. This educational program for exceptional children is monitored by the Chester County Intermediate Unit No. 24 and complies with the requirements of public law 94-142.

The Glen Mills staff members who provide the special education services to our students are certified teachers in the area of special education. Along with these teachers, Glen Mills has a Multidisciplinary Team (MDT) which is responsible for determining if a student should still be classified as exceptional and for determining exceptionalities of previously unclassified students. Our Multidisciplinary Team consists of a school psychologist, a special education teacher, a school administrator, and all other people necessary to make up the MDT.

Upon admission to the school, student's files are reviewed and examined to determine which students were classified as exceptional at their previous placement. Following this review and identification, Glen Mills requests the student's school records and Individualized Education Plan (I.E.P.) from their previous school. The I.E.P. is reviewed and if it is deemed appropriate, the I.E.P. is implemented. If a student does not have an existing I.E.P., or if his existing I.E.P. is deemed no longer appropriate, we will develop a new one, giving the student's parents the opportunity to participate in the I.E.P. development. The student will then be enrolled in our Special Education Program.

Our Special Education classes are conducted primarily in the school's Learning Centers. In these areas, students receive individualized instruction in specific areas needed to improve their behavioral and educational levels. Each student's program is individualized to administer to his strengths and weaknesses. The students work on the specific objectives on their I.E.P. at their own pace with individualized instruction.

Our program provides each student an environment in which he can develop and grow academically, vocationally, athletically and socially. The students are involved in regular classroom settings, physical education and vocational training along with their special education classes. Each student is thus afforded the opportunity to benefit from the entire Glen Mills Program.

Glen Mills displays a strong commitment to our special education students. We insure that our exceptional students are treated with the same respect and dignity as all others. We work hard to insure that objectives stated on his I.E.P. are fulfilled and that we take all procedural safeguards in complying with the confidentiality and rights of our exceptional students.

LEARNING CENTER
PLANNED COURSE

FUNDAMENTALS OF MATHEMATICS
INTRODUCTION TO LANGUAGE ARTS

INTRODUCTION

Glen Mills School's Planned Course meets the requirements as defined in the "Regulations of the State Board of Education of Pennsylvania, Chapter Five, Curriculum Requirements."

Our curriculum format consists of four criteria: objectives, content, expected levels of achievement and evaluation. The course content was developed on the basis of the objectives and the expected levels of achievement. The procedures for evaluation then clarify how achievement is judged.

The Planned Course is used as a resource from which material may be drawn to develop I.E.P.'s for individual students.

GLEN MILLS PHILOSOPHY OF THE LEARNING CENTER

It is the purpose of the Glen Mills Learning Center to create an environment in which the students will develop an understanding of the basic academic skills: Language Arts and Mathematics. In the classroom, they will abide by the established norms of Glen Mills in order to receive an education based on individual needs, abilities and interests.

It is through academic enrichment that the students will form a better image of themselves, by identifying their attributes, strengths and weaknesses.

In order for the student to function as a well-adjusted individual, it is necessary to foster behaviors and attributes that will enable him to be successful, whether in a school environment, occupation, or everyday living in his community.

All of the stated concepts are incorporated into all phases of the Learning Center's program.

The Glen Mills Special Education course of study is sequentially designed to meet the individualized educational and social needs of each of our students.

The twelve quality goals of education have been incorporated into the planned course of study. These goals are as follows: communication skills, mathematics, self-esteem, analytical thinking, understanding others, citizenship, arts and the humanities, science and technology, work, family living, health and environment.

The goals will help ensure the development of stable, self-actualizing, well rounded individuals.

SOCIAL BEHAVIORAL

OBJECTIVES

THE STUDENTS WILL BE ON TIME FOR CLASS.

THE STUDENTS WILL COMPLETE ASSIGNED CLASSWORK.

THE STUDENTS WILL BE ABLE TO WORK INDEPENDENTLY AFTER INITIAL INSTRUCTION.

THE STUDENTS WILL BE ATTENTIVE IN CLASS.

THE STUDENTS WILL TAKE INITIATIVE IN ASKING QUESTIONS ABOUT ASSIGNED WORK.

THE STUDENTS WILL BE ABLE TO INTERACT WITH THEIR CLASSMATES AND ADULTS.

THE STUDENTS WILL DEVELOP GOOD STUDY HABITS.

THE STUDENTS WILL DEVELOP A GOOD ATTITUDE TOWARD EDUCATION.

THE STUDENT WILL BUILD HIS SELF CONFIDENCE THROUGH ACADEMIC ACHIEVEMENTS.

THE STUDENT WILL IMPROVE HIS EDUCATIONAL LEVEL.

THE STUDENTS WILL PARTICIPATE IN CLASSROOM ACTIVITIES.

THE STUDENTS WILL CONFORM TO CLASSROOM AND CAMPUS NORMS.

CONTENT

STRATEGIES/MATERIALS:

*POSITIVE ROLE MODELS

*PEER PRESSURE

*WELL DEFINED EXPECTATIONS, LIMITS AND CONSEQUENCES

*POSITIVE FEEDBACK TO STUDENT ABOUT HIS PERFORMANCE

*STRUCTURED LEARNING ENVIRONMENT

*STRUCTURED AND SUPERVISED PEER GROUP ACTIVITIES

PROCEDURES FOR EVALUATION

*DAILY BEHAVIORAL RATINGS

*TEACHER OBSERVATIONS

*STUDENT BEHAVIOR AND PERFORMANCE

EXPECTED LEVELS OF ACHIEVEMENT

*SATISFACTORY GROWTH AS DETERMINED BY TEACHER OBSERVATION

INTRODUCTION TO LANGUAGE ARTS

OBJECTIVES

1. THE STUDENTS WILL DEMONSTRATE ABILITY TO RECOGNIZE LETTERS.
2. THE STUDENTS WILL DEMONSTRATE ABILITY TO RECOGNIZE BEGINNING AND FINAL CONSONANTS.
3. THE STUDENTS WILL BE ABLE TO RHYME WORDS.
4. THE STUDENTS WILL BE ABLE TO RECOGNIZE CONSONANT BLENDS: SL, CR, TR, GL, CH.
5. THE STUDENTS WILL BE ABLE TO RECOGNIZE VOWEL SOUNDS: OY, OW, EE, OU, OO, AI, EW.
6. THE STUDENTS WILL BE ABLE TO RECOGNIZE LONG AND SHORT VOWEL SOUNDS.
7. THE STUDENTS WILL BE ABLE TO READ AND COMPREHEND WORDS ON A PRE-PRIMER LEVEL.
8. THE STUDENTS WILL BE ABLE TO DEMONSTRATE THE ABILITY TO FOLLOW DIRECTIONS.
9. THE STUDENTS WILL BE ABLE TO SEQUENCE EVENTS IN A PASSAGE.
10. THE STUDENTS WILL BE ABLE TO READ AND COMPREHEND WORDS ON A FIRST GRADE LEVEL.
11. THE STUDENTS WILL BE ABLE TO IDENTIFY THE MAIN IDEA OF A PASSAGE.
12. THE STUDENTS WILL BE ABLE TO DEMONSTRATE THE ABILITY TO USE BASIC WORD SKILLS (CONTRACTIONS, COMPOUND WORDS, ANTONYMS, SYNONYMS).
13. THE STUDENTS WILL BE ABLE TO READ AND COMPREHEND WORDS ON A SECOND GRADE LEVEL.
14. THE STUDENTS WILL BE ABLE TO IDENTIFY WORDS AND COMPREHEND THEIR MEANING THROUGH CONTEXT CLUES IN PASSAGES.
15. THE STUDENTS WILL BE ABLE TO DEMONSTRATE THE ABILITY TO CAPITALIZE WORDS AND PUNCTUATE SENTENCES.
16. THE STUDENTS WILL BE ABLE TO DEVELOP DICTIONARY SKILLS.
17. THE STUDENTS WILL BE ABLE TO READ AND COMPREHEND WORDS ON A THIRD AND FOURTH GRADE LEVEL.

CONTENT

- •HIGHLY STRUCTURED LEARNING ENVIRONMENT
- •LOW STUDENT/TEACHER RATIO
- •INDIVIDUALIZED INSTRUCTION
- •INDIVIDUALIZED TUTORING
- •SMALL GROUP INSTRUCTION
- •CLEARLY DEFINED EXPECTATIONS, LIMITS AND CONSEQUENCES
- •POSITIVE FEEDBACK AND REINFORCEMENT OF SUCCESS EXPERIENCES
- •HIGH INTEREST MATERIALS CONSISTENT WITH ABILITY/ACHIEVEMENT LEVELS
- •VARIED ACTIVITIES
- •TEACHER PREPARED MATERIALS
- •TAPE RECORDER
- •SYSTEM 80 MACHINE
- •PERIODIC MONITORING BY TEACHER TO REINFORCE BEHAVIOR

MATERIALS

THE PHOENIX READING SERIES BY PRENTICE HALL, INC.

CRACKING THE CODE - STUDENT WORKBOOK BY SCIENCE RESEARCH ASSOCIATES

READING SKILLS IN ACTION BY BENEFIC PRESS

A SCHOLASTIC SKILLS BOOK OF PHONICS BY SCHOLASTIC BOOK SERVICES

READING TODAY'S ENGLISH BY STECK-VAUGHN COMPANY

IMPROVING YOUR READING WITH CARTOON STRIPS BY EDUCATIONAL DESIGN, INC.

PHOTO-PHONICS LANGUAGE ARTS PROGRAM BY GIFTED TEACHERS BOOKS, INC.

PHONICS IS FUN BY MODERN CURRICULUM PRESS, INC.

BASIC READING UNITS (FACTS AND DETAILS) BY THE CONTINENTAL PRESS, INC.

BASIC READING UNITS (INFERENCES AND CONCLUSIONS) BY THE CONTINENTAL PRESS, INC.

BASIC READING UNITS (MAIN IDEA) BY THE CONTINENTAL PRESS, INC.

SPAR (A SPELLING, PRONUNCIATION, ABBREVIATION AND READING GAME) BY IDEAL SCHOOL SUPPLY COMPANY

SPELLO (A WORD GAME TO IMPROVE SPELLING SKILLS) BY IDEAL SCHOOL SUPPLY COMPANY

THE RIVERSIDE SPELLING PROGRAM BY THE RIVERSIDE PUBLISHING COMPANY

SYSTEM 80 READING PROGRAM BY BORG AND WARNER EDUCATION SYSTEMS

INDIVIDUALIZED CASSETTE LEARNING PACKAGE BY MEDIA MATERIALS, INC.

SUPER A, SUPER AA AND SUPER BB COMIC BOOK SERIES BY SCIENCE RESEARCH ASSOCIATES

PILOT LIBRARY 2C BY SCIENCE RESEARCH ASSOCIATES

PILOT LIBRARY 1C BY SCIENCE RESEARCH ASSOCIATES

READING LABORATORY 1A BY SCIENCE RESEARCH ASSOCIATES

MARK II READING LABORATORY 1A BY SCIENCE RESEARCH ASSOCIATES

FEARON'S LITTLE BIG BOX OF BOOKS BY FEARON EDUCATION, A DIVISION OF PITTMAN LEARNING, INC.

SPIRAL I SERIES BOOKS BY THE CONTINENTAL PRESS, INC.

SIGHT WORD CARDS FOR READING AND COMPOSITION BY SCIENCE RESEARCH ASSOCIATES

PROCEDURES FOR EVALUATION

THE STUDENT WILL COMPLETE DAILY ASSIGNMENTS

THE STUDENT WILL FOLLOW DAILY LESSON PLANS

*MASTERY TESTS AT THE COMPLETION OF A SPECIFIC OBJECTIVE

*INFORMAL TEACHER ASSESSMENT

*STANDARDIZED ASSESSMENT

EXPECTED LEVELS OF ACHIEVEMENTS

PERFORMANCE CRITERIA:

A STUDENT MUST PASS MASTERY TESTS WITH AT LEAST AN 80% PROFICIENCY LEVEL.

A STUDENT WILL ACHIEVE ONE MONTH GROWTH PER ONE MONTH CLASS ON STANDARDIZED ASSESSMENTS.

FUNDAMENTALS OF MATHEMATICS

OBJECTIVES

1. THE STUDENTS WILL BE ABLE TO TELL TIME.
2. THE STUDENTS WILL BE ABLE TO TELL THE HOURS IN A DAY.
3. THE STUDENTS WILL BE ABLE TO TELL THE NUMBER OF DAYS IN A WEEK.
4. THE STUDENTS WILL BE ABLE TO TELL THE NUMBER OF WEEKS IN A MONTH.
5. THE STUDENTS WILL BE ABLE TO TELL THE NUMBER OF WEEKS IN A YEAR.
6. THE STUDENTS WILL BE ABLE TO TELL THE NUMBER OF MONTHS IN A YEAR.
7. THE STUDENTS WILL BE ABLE TO LIST AND SPELL THE DAYS OF THE WEEK.
8. THE STUDENTS WILL BE ABLE TO LIST AND SPELL THE MONTHS OF THE YEAR.
9. THE STUDENTS WILL BE ABLE TO COUNT MONEY.
10. THE STUDENTS WILL BE ABLE TO USE THE NUMBER LINE.
11. THE STUDENTS WILL READ AND KNOW PLACE VALUE OF NUMBERS.
12. THE STUDENTS WILL BE ABLE TO RECOGNIZE GEOMETRIC SHAPES - CIRCLE, SQUARE, RECTANGLE, TRIANGLE.
13. THE STUDENTS WILL BE ABLE TO PERFORM SINGLE DIGIT ADDITION.
14. THE STUDENTS WILL BE ABLE TO PERFORM MULTI-DIGIT ADDITION.
15. THE STUDENTS WILL BE ABLE TO PERFORM COLUMN ADDITION.
16. THE STUDENTS WILL BE ABLE TO PERFORM SINGLE DIGIT SUBTRACTION.
17. THE STUDENTS WILL BE ABLE TO PERFORM DOUBLE DIGIT SUBTRACTION WITH BORROWING.
18. THE STUDENTS WILL BE ABLE TO PERFORM MULTI-DIGIT SUBTRACTION WITH BORROWING.
19. THE STUDENTS WILL BE ABLE TO PERFORM SUBTRACTION OVER MULTI-DIGIT ZEROS.

20. THE STUDENTS WILL BE ABLE TO RECITE TIMES TABLES FROM MEMORY.

21. THE STUDENTS WILL BE ABLE TO PERFORM SINGLE DIGIT MULTIPLICATION WITH RENAMING.

22. THE STUDENTS WILL BE ABLE TO PERFORM DOUBLE DIGIT MULTIPLICATION WITH RENAMING.

23. THE STUDENTS WILL BE ABLE TO PERFORM DIVISION WITH TWO DIGIT DIVIDEND/ONE DIGIT DIVISOR.

24. THE STUDENTS WILL BE ABLE TO PERFORM DIVISION WITH THREE DIGIT DIVIDEND/ONE DIGIT DIVISOR.

25. THE STUDENTS WILL BE ABLE TO PERFORM DIVISION WITH FOUR DIGIT DIVIDEND/ONE DIGIT DIVISOR.

26. THE STUDENTS WILL BE ABLE TO PERFORM DIVISION WITH THREE DIGIT DIVIDEND/TWO DIGIT DIVISOR.

27. THE STUDENTS WILL BE ABLE TO RECOGNIZE BASIC FRACTION CONCEPT.

28. THE STUDENTS WILL BE ABLE TO ADD FRACTIONS WITH COMMON DENOMINATOR.

29. THE STUDENTS WILL BE ABLE TO ADD FRACTIONS WITH MIXED NUMBERS AND COMMON DENOMINATOR.

30. THE STUDENTS WILL BE ABLE TO SUBTRACT FRACTIONS WITH COMMON DENOMINATOR.

31. THE STUDENTS WILL BE ABLE TO SUBTRACT FRACTIONS WITH MIXED NUMBERS AND COMMON DENOMINATOR.

32. THE STUDENTS WILL BE ABLE TO UNDERSTAND BASIC DECIMAL CONCEPT.

33. THE STUDENTS WILL BE ABLE TO ADD SINGLE DIGIT DECIMALS.

34. THE STUDENTS WILL BE ABLE TO ADD DECIMALS IN A COLUMN.

35. THE STUDENTS WILL BE ABLE TO LINE UP DECIMALS IN ADDITION.

36. THE STUDENTS WILL BE ABLE TO SUBTRACT SINGLE DIGIT DECIMALS.

37. THE STUDENTS WILL BE ABLE TO SUBTRACT MULTI-DIGIT DECIMALS WITH BORROWING.

38. THE STUDENTS WILL BE ABLE TO LINE UP DECIMALS IN SUBTRACTION.

39. THE STUDENTS WILL BE ABLE TO SUBTRACT MULTI-DIGIT DECIMALS WITH ZERO AS PLACE HOLDER.

CONTENT

STRATEGIES

*HIGHLY STRUCTURED LEARNING ENVIRONMENT

*LOW STUDENT/TEACHER RATIO

*INDIVIDUALIZED INSTRUCTION

*INDIVIDUALIZED TUTORING

*SMALL GROUP INSTRUCTION

*CLEARLY DEFINED EXPECTATIONS, LIMITS, AND CONSEQUENCES

*POSITIVE FEEDBACK AND REINFORCEMENT OF SUCCESS EXPERIENCES

*HIGH INTEREST MATERIALS CONSISTENT WITH ABILITY/ACHIEVEMENT LEVEL.

*VARIED ACTIVITIES

*TEACHER PREPARED MATERIALS

*TAPE RECORDER

*SYSTEM 80 MACHINES

*PERIODIC MONITORING BY TEACHER TO REINFORCE BEHAVIOR

MATERIALS

MASTERING COMPUTATIONAL SKILLS BY SCOTT, FORESMAN AND COMPANY

NYSTROM MATHEMATICS SKILLS DEVELOPMENT KITS SERIES 400, SERIES 500 AND SERIES 600 BY NYSTROM

MODERN MATH SERIES I BY VISUAL MATERIALS, INC.

HOW TO CREATE MATH CENTERS BY EDUCATIONAL INSIGHTS

MULTIPLICATION BINGO BY EDUCATIONAL INSIGHTS

BRAINSTER (ADDITION/MULTIPLICATION GAME) BY IDEAL SCHOOL SUPPLY COMPANY

QUATRO (MULTIPLICATION GAME) BY IDEAL SCHOOL COMPANY

SUPER BOWL GAME BY CREATIVE TEACHING ASSOCIATES

FACTOR FOOTBALL GAME BY CREATIVE TEACHING ASSOCIATES

SYSTEM 80 MATH PROGRAM BY BORG AND WARNER EDCUATIONAL SYSTEMS

INDIVIDUALIZED CASSETTE LEARNING PACKAGE BY MEDIA MATERIALS, INC.

E.L.D. ARITHMETIC DRILL FILMSTRIPS BY EDUCATIONAL DEVELOPMENTAL LABORATORIES

MATH MASTER MULTIPLICATION DRILL CARDS BY BASIC LEARNING

MATH MASTER DIVISION DRILL CARDS BY BASIC LEARNING

PROCEDURES FOR EVALUATION

THE STUDENTS WILL COMPLETE DAILY ASSIGNMENTS.

THE STUDENTS WILL FOLLOW DAILY LESSON PLANS.

*MASTERY TEST AT THE COMPLETION OF A SPECIFIC OBJECTIVE

*INFORMED TEACHER ASSESSMENT

*STANDARDIZED ASSESSMENT

EXPECTED LEVELS OF ACHIEVEMENT

PERFORMANCE CRITERIA:

A STUDENT MUST PASS MASTERY TESTS WITH AT LEAST 80% PROFICIENCY LEVEL.

A STUDENT WILL ACHIEVE ONE MONTH GROWTH PER ONE MONTH CLASS ON STANDARDIZED ASSESSMENTS.

C. D. Ferrainola
Executive Director

Glen Mills Schools
Service to youth since 1826

RESPONSE TO PARENT - INITIATED PROCEDURES

DATE

ADDRESS

Dear ______________________________,

This letter confirms that you are either requesting an evaluation or submitting written evidence that ______________________ residing at the Glen Mills Schools is exceptional and is not receiving an appropriate educational program, or is not exceptional and is classified as exceptional.

A meeting will be scheduled to discuss your concerns. To prepare for this meeting the school may:

1. Prepare written evidence to support the appropriateness of the student's current educational program or

2. Prepare to participate in the development of an IEP.

Should the school feel it necessary to conduct an evaluation prior to this meeting, you will be notified.

If a recommendation for a change in the student's educational program results from the meeting, you will be given the opportunity to request a hearing if you disagree with the Individualized Education Program (IEP) and/or recommended assignment. In the meantime, no changes will be made in the student's placement or program.

Sincerely,

____
(Director of Education)

Concordville, Pennsylvania 19331 (215) 459-8100

C. D. Ferrainola
Executive Director

Glen Mills Schools
Service to youth since 1826

REQUEST FOR PARENT PARTICIPATION IN AN IEP PLANNING MEETING

DATE:

ADDRESS

DEAR

In reviewing previous educational records, ____________________ has been identified as an exceptional student and is in need of special programs and/or services. Therefore, we wish to plan an initial conference and/or make revisions in his individualized education program and invite you to join with educational personnel in a meeting for this purpose. Your input can be given by telephone or you may attend the IEP meeting. IEP planning meeting participants will include a local education agency representative and a teacher. If you wish to participate, please contact Mary McNeal to make arrangements for input by __________.

You, as the parent, guardian, or surrogate parent may decide not to participate in developing or revising this plan at this time by signing below. If you do not respond to this letter within 10 days, we will hold an IEP planning meeting and a copy of the IEP plan will be sent to you.

Sincerely,

Randy Ireson
Director of Education

____ I would like to participate in the planning or revising the individualized education program of

____
(student's name)

____ I do not desire to participate in the planning or revising of the student's individualized education program

____
(date)

____
(Signature of Parent or Guardian)

Concordville, Pennsylvania 19331 (215) 459-8100

C. D. Ferrainola
Executive Director

Glen Mills Schools
Service to youth since 1826

NOTICE THAT STUDENT IS NOT EXCEPTIONAL

DATE

ADDRESS

Dear ______________________________:

The Glen Mills Schools has provided an evaluation for ____________________ to assure that he has an appropriate educational program.

Review of the evaluation results indicate that ______________________ is not an exceptional student in need of special education.

You have the right to review all data collected on this student. You may request a conference to discuss the evaluation findings and the student's program needs. If, after the conference, you are not satisfied with the results, and you still feel that the student is exceptional, you will be given the opportunity to request a hearing.

To obtain the student's records, or to arrange a conference, you may call: Mary McNeal at (215) 459-8100 Ext. 238, Monday through Friday from 9 a.m. to 5 p.m.

____
(Director of Education)

Concordville, Pennsylvania 19331 (215) 459-8100

C. D. Ferrainola
Executive Director

Glen Mills Schools
Service to youth since 1826

MULTIDISCIPLINARY TEAM MEETING

DOCUMENTATION

Student's Name	Birth Date	I.D. Number
Parent/Guardian	Present Assignment	Grade
Address	Type of Placement	
Address	Date of Meeting	
Home Phone / District	Location of Meeting	

_____ INITIAL PLACEMENT MEETING _____ RE-EVALUATION MEETING

The following individuals have been involved in the Multidisciplinary Team:

LEA Representative - Signature	Other - Title - Signature
Supervisor/Principal - Signature	Other - Title - Signature
Psychologist - Signature	Teacher - Signature

The Multidisciplinary Team has found ______________________ to be
Student's Name

______________________ Exceptionality

______________________ Placement Options Considered

Concordville, Pennsylvania 19331 (215) 459-8100

Dissenting Opinion(s):

____

____

____

____
Signature

Achievement Testing:

Reading Test: ____________ Date of Test: ____________

Math Test: ____________ Date of Test: ____________

Grade Average: ____________

Psychological Evaluation

WISC/R: V ______, P ______, F.S. ______ Date of Test: ______

Other I.Q. Test: ______________________ Score: ____________
Name of Test Date of Test

______________________ ____________
Name of Test Date of Test

C. D. Ferrainola
Executive Director

Glen Mills Schools
Service to youth since 1826

NOTICE OF INTENT TO REEVALUATE OR EVALUATE

DATE

ADDRESS

Dear ______________________________:

THE GLEN MILLS SCHOOLS

_______ will provide an evaluation; or
_______ will provide a reevaluation

for ______________________________ to assure that he has an appropriate education program.

The student will have the evaluation or reevaluation for the following reasons:

____

____

Our plan for evaluation includes:

Type of Test/Procedure	Proposed Date of Evaluation

You have the right to see and study all the information in the student's school record. Since all of your questions may not be answered by reviewing these records, you may also wish to meet with a school psychologist to discuss the evaluation procedures. To obtain the student's records or to arrange a conference, you may call Mary McNeal at (215) 459-8100 Ext. 238, Monday through Friday from 9 a.m. to 5 p.m.

If this evaluation shows that the student is eligible for special education programs and services, we will ask for your assistance in preparing an Individualized Education Program.

Sincerely,

____
(Director of Education)

Concordville, Pennsylvania 19331 (215) 459-8100

C. D. Ferrainola
Executive Director

Glen Mills Schools
Service to youth since 1826

REQUEST FOR PERMISSION TO EVALUATE

DATE

ADDRESS

Dear ______________________________:

*The Glen Mills Schools would like to provide an evaluation for ______________________________ to assure that he has an appropriate education program.

The student has been referred for evaluation for the following reasons:

____

Our plan for evaluation includes:

Type of Test/Procedure	Proposed Date of Evaluation
______________________	______________________
______________________	______________________
______________________	______________________

You have the right to see and study all the information in the student's school record. Since all of your questions may not be answered by reviewing these records, you may also wish to meet with a school psychologist to discuss the recommended referral and/or the evaluation procedures. To obtain the student's records or to arrange a conference, you may call ______________
____

If this evaluation shows that the student is eligible for special education programs and services, we will ask for your assistance in preparing an individualized education program.

You may already have enough information to reach a decision about the evaluation without reviewing the student's records or requesting a conference. If this is the case, please indicate your decision by signing in the appropriate space on page two of this letter.

Concordville, Pennsylvania 19331 (215) 459-8100

If you agree to an evaluation as outlined above, please sign here:

(Signature of Parent or Student)

(Date)

(Signature of Parent or Student)

(Date)

If you do NOT agree to an evaluation, as outlined above, at this time, please sign here. We will contact you to arrange a personal conference as soon as possible. You also have the right to request a hearing concerning this proposed evaluation.

(Signature of Parent or Student)

(Date)

(Signature of Parent or Student)

(Date)

Please return this letter in the enclosed envelope within 10 days of receipt. Thank you for your cooperation.

Glen Mills Schools Individualized Education Program

Student's Name: ____________________

Unit: ____________________

Birth Date: ____________________

Commitment Date: ____________________

Present Date: ____________________

Date of MDT: ____________________

Date of Review/Revision: ____________________

Teacher(s): ____________________

Instruction: ____________________

Length of School Year: ____________________

Progress Review Schedule: ____________________

Reason for MDT: ( ) Review of Current Educational Needs
( ) Annual Review

Instructional Setting: ____________________

Assessment Procedures	Date of Assessment	Evaluator	Title
Metropolitian Achievement Test	____________	____________	____________
Learning Center Diagnostic Tests	____________	____________	____________

Student's Name_____________________________ ____________________

Educational Services	Hours Per Week	Service Provider	Date Services Began	Duration
Special Education	____________	Special Education Staff	____________	Unit annual review
Regular Education	____________	Teacher/Counselor	____________	
Vocational Education	____________	Shop Instructor	____________	
Physical Education	____________	Instructor	____________	

Present Levels of Educational Performances

Content Area	Grade/Developmental Level	Strength	Weakness
Reading	________grade level		
Language			
Mathematics	________grade level		
Social/Behavioral			

Student's Name: ____________________

Social/Behavioral Goal: ____________________

____

Short Term Objectives	Strategies/ Materials	Evaluation Procedures	Performance Criteria	Review of Progress

Student's Name: ____________________

Academic Language Arts Goal: ____________________

____

Short Term Objectives	Strategies/ Materials	Evaluation Procedures	Performance Criteria	Review of Progress

Student's Name ______________________

Academic-Math Objective: ______________________

____

Short Term Objectives	Strategies/ Materials	Evaluation Procedures	Performance Criteria	Review of Progress

Council of the District of Columbia
Memorandum

1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

To: MEMBERS OF THE COUNCIL

RAS

From: RUSSELL A. SMITH, SECRETARY TO THE COUNCIL

Date: MAY 10, 1985

Subject: REFERRAL OF PROPOSED LEGISLATION

Notice is given that the attached proposed legislation has been introduced in the Office of the Secretary on May 9, 1985. Copies are available in Room 28, Legislative Services Division.

TITLE: Youth Residential Facilities Licensure Act of 1985, Bill 6-224

INTRODUCED BY: Councilmember Shackleton

The Chairman is referring this proposed legislation to the Committee on Human Services.

cc: General Counsel
Legislative Counsel
Legislative Services Division

Council of the District of Columbia
Memorandum

District Building 14th and E Streets, N.W. Washington, D.C. 20004 724-8000

To All Councilmembers

From POLLY SHACKLETON, Chairperson, Committee on Human Services PS

Date September 9, 1985

Subject Proposed amendment to Bill 6-224, the "Youth Residential Facilities Licensure Act of 1985" and Public Hearing Notice.

I have attached a copy of the Committee on Human Services' hearing notice for a September 27, 1985, hearing on Bill 6-224, the "Youth Residential Facilities Licensure Act of 1985." I have also enclosed a proposed amendment to the bill which I asked Committee staff to draft requiring joint monitoring by the Mayor and the Board of Education of the progress of those children who require the most intensive level of residential care ("therapeutic care" as defined in the bill). This amendment would require the Mayor and the Board of Education to establish a monitoring committee to review quarterly progress reports on each child prepared by the youth residential facility whether located in the District or out of state, and to conduct an annual on-site review of the youth's progress in meeting treatment goals and the quality of care offered by the facility.

Over the past several years, as part of our review of the Department of Human Services' budget requests and the various Foster Care Goals Acts, the Committee on Human Services has consistently gone on the record to urge the executive and the D.C. Public Schools to resolve the many issues surrounding appropriate division of programmatic, financial, and monitoring responsibility for children who are wards of the city. I am concerned that there has been little progress in resolving these complex issues to date and believe that it is appropriate that a strong monitoring process be included in this bill for all "therapeutic" placements. Some states rely on their membership in the Interstate Compact on the Placement of Children to monitor quality of care in out-of state placements. In 1981, the Committee considered District participation in the Compact (Bill 4-168), but did not take action on this measure. You may also wish to review the provisions of the Compact as it relates to monitoring issues.

I have mailed the bill and this amendment to the executive branch, the Board of Education, providers, advocates, and other interested persons known to the Committee. Since this a complex area I plan to extend the period for receiving written comment and will keep the hearing record open until October 11. If you have questions feel free to contact myself or Julie Rogers.

cc: Russell Smith
Greg Mize

Council of the District of Columbia
Notice of Public Hearing

City Hall, 14th and E Streets, N.W. 20004 First Floor 724-8000

COMMITTEE ON HUMAN SERVICES
PUBLIC HEARING ON BILL 6-224
THE "YOUTH RESIDENTIAL FACILITIES LICENSURE ACT OF 1985"
ON
FRIDAY, SEPTEMBER 27, 1985
10:00 A.M.
COUNCIL CHAMBER ROOM 500
DISTRICT BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

Councilmember POLLY SHACKLETON, Chairperson, Committee on Human Services, announces a PUBLIC HEARING on Bill 6-224, the "Youth Residential Facilities Licensure Act of 1985." The bill would provide for the annual licensure of youth group homes, youth independent living facilities, residential treatment facilities, and foster homes. The bill would delegate authority to the Mayor to establish standards for these facilities based on three levels of care (emergency, continuing, and therapeutic) that meet residents' educational, physical health, and mental health needs. It would require the Mayor to form a task force to advise on the establishment of these standards and a statement of residents' rights and responsibilities. Each facility except foster homes would be required to have either a governing board or a local advisory committee that includes neighborhood representatives.

Persons wishing to testify should call the Committee on Human Services at 724-8020 by 5:30 on Wednesday, September 25, 1985. Statements should be limited to approximately five minutes. Persons wishing to submit written statements but not appear in person may do so by addressing their statements to Russell Smith, Secretary to the Council, Room 101, District Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Written statements submitted by Friday, October 4, 1985, will be included in the record. Copies of Bill 6-224 may be obtained from the Council's Legislative Services Division, Room 28, District Building (724-8050).

Polly Shackleton

COUNCILMEMBER POLLY SHACKLETON

RECEIVED

'85 MAY -9 P4:35

OFFICE OF THE SECRETARY
DIST. OF COLUMBIA COUNCIL

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To license and provide standards for the operation of youth residential facilities in the District of Columbia, and to ensure the health, safety, and development of youth in such care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Youth Residential Facilities Licensure Act of 1985."

Sec. 2. Definitions.

(a) For the purposes of this act, the term:

(1) "Youth" means any individual who is:

(A) under 18 years of age;

(B) under 21 years of age and subject to a consent decree or dispositional order entered pursuant to D.C. Code, sec. 16-2301 et seq.; or

(C) under 22 years of age and has an individualized education program pursuant to the Education of the Handicapped Act (20 U.S.C. sec. 1400 et seq.).

(2) "Youth residential facility" means any residence in which youths are cared for by 1 or more adults not related to them by blood, marriage, guardianship, or adoption and require specialized living arrangements because they:

(A) are awaiting court action on a neglect, need of supervision, or delinquency petition;

(B) have been adjudicated neglected, in need of supervision, or delinquent;

(C) need emergency supervision and care as a result of abuse, neglect, or family crisis (including runaways and homeless youth); or

(D) are handicapped and require more services under the Education of the Handicapped Act (20 U.S.C. sec. 1400 *et seq.*) than can be provided by nonresidential programs.

The term "youth residential facility" shall include, but need not be limited to, a foster home, a youth group home, a youth independent living facility, and a residential treatment facility. The term "youth residential facility" shall not include a "hospital," a "group home for mentally retarded persons," or a "community residence facility" as those terms are defined in the "Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983," effective February 24, 1984 (D.C. Law 5-48; D.C. Code, sec. 32-1301 *et seq.*).

(3) "Foster home" means a family home in which from 1-4 youths who are in need of emergency, continuing, or therapeutic care are cared for by 1 or more supervising adult members of the household.

(4) "Youth group home" means a homelike residence in which from 5-10 unrelated youths who are in need of emergency, continuing, or therapeutic care are cared for by 1 or more supervising adults;

(5) "Youth independent living facility" means a residence or group of supervised apartments for no more than 12 youths aged 16-20 who require continuing care, assistance in completing school or gaining employment, and support for making a transition to independent living.

(6) "Residential treatment facility" means a 24-hour residence offering therapeutic care for no more than 30 youths.

(7) "Emergency care" means a supervised program which ensures the youth's school or work attendance, provides, or arranges for the provision of, assessments of his or her educational, physical health, and mental health needs, and permits contact with family members when possible. Emergency care shall not exceed 90 days.

(8) "Continuing care" means a supervised program which ensures the youth's school or work attendance, meets the youth's physical health, mental health, and rehabilitation needs, and permits contact with family members as appropriate.

(9) "Therapeutic care" means a program which provides, or arranges for the provision of, both an educational and an intensive mental health program supervised by a psychiatrist, psychologist, or social worker that is structured to meet the needs identified in the youth's individualized education program or other individual treatment plan, and permits contact with family members as appropriate.

(b) The Mayor may establish other types of youth residential facilities or levels of care in addition to, or as subtypes of, those defined in subsection (a). The Mayor shall make the final determination of whether a facility falls within a particular type or subtype.

(c) When used in this act, the term "facility" and its plural form shall, unless subject to specific exception, apply to all youth residential facilities.

Sec. 3. License Requirements.

(a) Except as provided in subsections (b) and (c), it shall be unlawful to operate a facility in the District of Columbia, whether public or private, for profit or not for profit, without being licensed by the Mayor. Each facility shall be licensed by both its type and the level of care provided.

(b) Facilities that, prior to the effective date of this act, were not or would not have been subject to licensure in the District of Columbia, may operate without a license until 6 months after the adoption of applicable rules under section 4.

(c) The continued operation of a facility pending action by the Mayor on a n application for licensure renewal or initial licensure under subsection (b) shall not be deemed unlawful if a completed application was timely filed but, through no fault of the facility or its governing body, staff, or employees, the Mayor has failed to act on the application before the expiration of the facility's current license or, under subsection (b), its authorized period of operation. A facility operating under this subsection shall comply with all other provisions of this act and rules adopted pursuant to this act.

(d) Application forms shall list all certificates of approval, authority, occupancy, or need that are required as a precondition to lawful operation in the District of Columbia.

(e) A license shall be valid only for the type of facility, level of care, and address stated on the license.

(f) Any change in the ownership of a facility owned by an individual, partnership, or association, or in the legal or beneficial ownership of 10% or more of the stock of a corporation that owns or operates a facility, shall be subject to written notice of the change being given to the governmental licensing authority at least 30 days prior to the change in ownership. Upon notification, the governmental licensing authority may, at its own discretion, require reinspection and relicensure to ensure that the facility will remain in compliance with the provisions of this act, rules adopted pursuant to this act, and all other applicable provisions of law.

(g) Unless sooner terminated or renewed, a license required by this act shall expire 1 year from the date of issue or the last renewal.

(h) Each facility licensed under this act shall post its license in a conspicuous place on the premises.

Sec. 4. Rules.

(a) The Mayor shall issue rules, consistent with other provisions of this act and pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), establishing:

(1) license fees for private facilities reasonably calculated to reflect a facility's respective share of the cost of administering the provisions of this act and rules adopted pursuant to this act;

(2) procedures deemed necessary to effectuate the purposes of this act, including, but not limited to, procedures for:

(A) issuing and renewing licenses;

(B) obtaining variances;

(C) ensuring that 6 months after the adoption of applicable rules under this subsection, licensure of all affected facilities and agencies shall be under the new rules;

(D) processing and following up on complaints by facility staff, consumers, and advocates that are filed with the governmental licensing authority;

(E) suspending or revoking the license of a facility that is in violation of any provision of this act, rule adopted pursuant to this act, or other provision of District of Columbia or federal law, or whose governing body, administrator, or director has made a material misrepresentation of fact to a government official with respect to the facility's compliance with any provision of this act, rule adopted pursuant to this act, or other provision of District of Columbia or federal law; and

(F) appealing from adverse licensure decisions;

(3) standards for emergency care, continuing care, therapeutic care, and any other level of care defined by the Mayor.

(4) standards for each type of facility, including (when applicable), but not limited to:

(A) program standards for:

  (i) educational services;

  (ii) mental health services;

  (iii) emergency and routine health care;

  (iv) recreation;

  (v) family involvement; and

  (vi) discipline, restraint, and abuse.

(B) staff standards for:

  (i) staff-resident ratios;

  (ii) staff qualifications;

  (iii) ongoing staff training; and

  (iv) personnel policies.

(C) physical environment and safety standards for:

  (i) sleeping areas;

  (ii) kitchen and dining areas;

  (iii) bathrooms;

  (iv) living and recreation rooms;

  (v) staff quarters;

  (vi) electrical, heat, and water systems; and

  (vii) building exterior and grounds.

(D) administration and organization standards for:

  (i) governing and advisory bodies;

  (ii) fiscal management;

  (iii) case records;

  (iv) dietary, clothing, and hygiene;

  (v) confidentiality and research;

  (vi) administrative procedures;

  (vii) admission and discharge procedures;

(viii) searches for contraband;

(ix) staff and resident grievances; and

(x) required annual reporting.

(5) a statement of residents' rights and responsibilities for each type of facility, which shall be posted conspicuously near the main entrance to the facility.

(b) The rules required by subsection (a) shall be issued no later than 12 months from the effective date of this act.

(c) In formulating the standards and statements of rights and responsibilities required by subsections (a)(3), (4), and (5), the Mayor shall, within 30 days after the effective date of this act, appoint a single advisory task force. The task force shall be composed of consumers, providers, advocates, and government agency representatives, and shall be charged with the responsibility of making formal written recommendations on standards for each type of facility within a time frame established by the Mayor. The Mayor shall give substantial consideration to the task force's recommendations and shall, on a continuing basis before adoption of proposed rules, maintain a dialogue with the task force while reviewing and acting on its recommendations.

(d) Youth residential facilities shall distribute a copy of the statement required by subsection (a)(5) to each resident and each resident's parents, guardian, or other responsible person acting on his or her behalf.

(e) Nothing in this section shall be construed to prohibit a facility from supplementing the standards adopted under subsection (a)(3), (4), and (5) of this section by establishing internal standards, policies, and procedures that promote safety and quality care, so long as they are reasonable and not inconsistent with this act, rules adopted pursuant to this act, or other District of Columbia law.

Sec. 5. Governing Boards and Advisory Committees.

(a) Each facility except foster homes shall have either:

(1) a governing board which includes representatives of the neighborhood where the facility is located; or

(2) a local advisory committee which includes representatives of the neighborhood. If a single organization operates more than one facility in the District of Columbia, a single advisory committee or governing board may serve all of the organization's facilities if it includes representatives from each neighborhood in which the organization operates a facility.

(b) The governing board or advisory committee shall:

(1) meet with the facility administrator at the facility at least quarterly;

(2) review at least quarterly any complaints made by citizens and any calls or visits made by the Metropolitan Police Department to the facility;

(3) report annually to the Mayor on the number of admissions; the number, outcome, and length of stay of planned discharges; the number,outcome, and length of stay of unplanned discharges; staff turnover rate and efforts to reduce it, if any; and program effectiveness in meeting the needs of each client served; and

(4) inform the Mayor in writing of any situation which the majority of the board or committee believes warrants correction and which the facility has failed to correct within a reasonable time after being notified by the board or committee.

Sec. 6. Inspections.

(a) To ensure that each new facility will be in compliance with the provisions of this act, rules adopted pursuant to this act, and all other applicable laws and rules, the Mayor shall conduct an on-site inspection prior to a facility's initial licensure. Instead of issuing a full-year license to a new facility, the Mayor may issue a provisional 3-month license if ameliorative action is taken by the facility pending satisfactory completion of additional, follow-up inspections.

(b) After initial licensure the Mayor shall conduct an on-site inspection as a precondition to licensure renewal.

(c) An authorized government official may enter the premises of a facility during operating hours for the purpose of conducting an announced or unannounced inspection to check for compliance with any provision of this act, rule adopted pursuant to this act, or other provision of District of Columbia law. In conducting an inspection, the official shall make every effort not to disrupt the normal operations of the facility.

(d) If a facility loses private accreditation or federal certification, it shall give the Mayor written notice of the loss within 5 calendar days.

(e) The Mayor may, prior to a hearing, suspend the license of any facility or convert its license to a provisional or restricted license if he or she determines that existing deficiencies constitute an immediate or serious and continuing danger to the health, safety, or welfare of its residents. Upon taking such action, the Mayor shall immediately notify the facility that it may, within 24 hours following the suspension or revocation, request an expedited hearing. An expedited hearing shall be conducted by the Mayor within 2 calendar days following receipt of a request.

(f) Following the suspension or revocation of a license, the facility shall assist the Mayor in moving the residents to other appropriate facilities with as little disruption in their lives as possible, and shall take precautions not to cause readjustment problems for the residents during their relocation.

g) Any District of Columbia employee who visits a facility licensed under this act, either for the purpose of monitoring or for casework, and observes a condition which he or she believes is in violation of this act, rule adopted pursuant to this act, or other provision of District law must report this suspected violation to the government licensing authority within 24 hours.

(b) The Mayor shall have the authority, upon a showing of undue hardship and if not inconsistent with other provisions of this act or deleterious to the public health and safety, to grant variances with respect to the standards to be established under section 4(a)(3) of this act. The Mayor shall maintain a public record listing all variances granted under this subsection and containing a complete written explanation of the basis for each variance.

Sec. 7. Provisional and Restricted Licenses.

(a) As an alternative to denial, nonrenewal, suspension, or revocation of a license required by this act, when a facility has numerous deficiencies or a serious single deficiency with respect to the standards to be established under section 4(a)(3) of this act, the Mayor may:

(1) issue a provisional license if the facility or agency is taking appropriate ameliorative action in accordance with a mutually agreed upon timetable; or

(2) issue a restricted license that prohibits the facility or agency from accepting new residents or delivering certain specified services that it would otherwise be authorized to deliver, if appropriate ameliorative action is not forthcoming.

(b) As provided in section 6(a) of this act, provisional licenses may be issued to new facilities in order to afford the Mayor sufficient time and evidence to evaluate whether a new facility is capable of complying with the provisions of this act, rules adopted pursuant to this act, and other applicable provisions of law.

(c) Provisional licenses may be granted for a period not exceeding 90 days, and may be renewed no more than once.

Sec. 8. Penalties and Enforcement.

(a) Any executive officer, administrator, director, or member of the governing body of a facility who willfully and knowingly participates in the unlawful operation of a facility in the District of Columbia, and any person who intentionally impedes a District of Columbia official or employee in the performance of his or her authorized duties under this act or rule issued pursuant to this act, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding $1,000 per day of violation, imprisonment for not more than 90 days, or both. Prosecution shall be in the Superior Court of the District of Columbia by information signed by the Corporation Counsel or one of his or her assistants.

(b) Notwithstanding the availability of any other remedy, the Corporation Counsel or one of his or her assistants may maintain, in the name of the District of Columbia an action in the Superior Court of the District of Columbia to enjoin any person, agency, corporation, or other entity from operating a facility in violation of the terms of its license, provisions of this act, or any rule issued pursuant to this act.

Sec. 9. Repealer Provision.

The definition of "Foster Family Home" in Article D-610 of the D.C. Health Regulations, effective January 7, 1924 (22 DCMR 699), and all other references to foster family homes in Chapter D-6 of those regulations (22 DCMR 605), are repealed upon the issuance by the Mayor of rules pursuant to section 4 of this act.

Sec. 10. Effective Date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

Polly Shackleton

Councilmember Polly Shackleton

Proposed amendment

Bill 6-224, "Youth Residential Facilities Licensure Act of 1985"

(new) Sec. 4. Monitoring of therapeutic care placements and out-of-state youth residential facilities.

(a) Each youth in therapeutic care residing in a youth residential facility shall have an individual treatment plan which is approved by both the appropriate D.C. Public School and Department of Human Services officials responsible for the youth's education and care and the youth residential facility. This plan shall be updated annually. Whenever applicable, a youth in therapeutic care residing in a youth residential facility shall also have a current individualized education program pursuant to the Education of the Handicapped Act (20 U.S.C. sec. 1400 _et seq._). A description of this program shall be on file with both the D.C. Public Schools and the Department of Human Services' administration responsible for the youth's care.

(b) Each youth residential facility with which the District government contracts or in which a District child is placed shall submit quarterly monitoring reports on the youth's progress in meeting his or her treatment goals. These reports shall be on forms to be developed by the Mayor and the Board of Education.

(c) The Mayor and the Board of Education shall establish a Therapeutic Care Monitoring Committee which includes, but is not necessarily limited to, a representative of the D.C. Public Schools, a representative of the Department of Human Services, and the youth's case worker. The Monitoring Committee shall review all quarterly reports and conduct an annual on-site review of each youth's placement in therapeutic care to ascertain:

(1) The facility's compliance with the youth's individual treatment plan and, if the youth has one, his or her individualized education program;

(2) The youth's progress in meeting treatment goals and any necessary revisions to the individual treatment plan and individualized education program;

(3) Whether the youth can be served in a less restrictive placement; and

(4) Whether appropriate aftercare planning has been done if the youth is due to be discharged.

(d) Within 30 days after conducting the annual on-site review, the Monitoring Committee shall file a written report with the Director of Human Services and the Superintendent of the D.C. Public Schools. This report shall document current licensure of any out-of-state facility by the state in which the facility is located, accreditation by a nationally recognized accrediting body, or, in the absence of licensure or accreditation, substantial compliance with District standards for therapeutic care and the relevant category of youth residential facility.

(e) If, in the opinion of the Committee, the facility is not carrying out the youth's individual treatment plan and individualized education program or does not meet the quality care requirements set forth in Sec. 4(e), the facility shall be notified of required corrective actions. The facility shall have 30 days to make the necessary corrections and demonstrate these actions to the Committee's satisfaction. If the Committee is not satisfied that appropriate actions have been taken it shall recommend to the Director of the Department of Human Services and the Superintendent of the D.C. Public Schools that the youth be transferred to an appropriate alternative placement.

(f) The Monitoring Committee shall report annually to the Mayor, the Board of Education, and the Council of the District of Columbia on:

(1) The number of youth in therapeutic care, the facilities in which they are placed, the annual cost of these facilities, which agency or administration has primary responsibility for the youth, and how many youth have individualized education programs;

(2) The number of new admissions, and the number, outcome, and length of stay of planned and unplanned discharges; and

(3) A summary of facility effectiveness in meeting the needs of youth in therapeutic care.

(g) No youth shall be placed or remain in an out-of-state facility for more than 60 days if that facility has not been reviewed by the Monitoring Committee.

(h) No later than 120 days after the effective date of this act, the Mayor and the Board of Education shall, pursuant to title 1 of the District of COlumbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.) and consistent with the Education of the Handicapped Act (20 U.S.C. sec. 1400 et. seq.), jointly issues rules to implement this section.

Closer Look®

Parents' Campaign for Handicapped Children and Youth

1201 16th Street, N.W.
Washington, D.C.
20036

Telephone:
Area Code 202
822-7900

September 23, 1985

The Honorable Stewart B. McKinney
Subcommittee on Fiscal Affairs and Health
Committee on the District of Columbia
House of Representatives
1307 Longworth Building
Washington, D.C. 20515

Dear Congressman McKinney,

In response to the recent hearing on implementation of PL 94-142 as it relates to handicapped delinquents in the District of Columbia, I am submitting a statement for the record at your request.

My name is Kathleen Kelley, and I am currently directing a local project, Project BUILD,"Building Interventions for Learning Disabilities: An Information Service for Learning Disabled Offenders in the Washington Metropolitan Area". Closer Look/Parents' Campaign for Handicapped Children and Youth, a national information center for learning disabilities, has sponsored this project through grants from the Eugene and Agnes E. Meyer Foundation, The April Trust and the German Orphan Home Foundation. The project has focused on the educational needs of those young people caught in the juvenile justice system. It is a unique project, the only one of its kind in the nation.

The idea for Project BUILD emerged from a recent research and development project carried out by the National Center for State Courts (NCSC) and the Association for Children with Learning Disabilities (ACLD). The results of this national study of adjudicated youth provided important data linking learning disabilities with juvenile delinquency. It was found that youths with LD commit significantly more acts of violence, theft, alcohol and drug abuse and social misbehavior than those who do not have LD. It also became clear from this study that once learning disabled youths become involved with the juvenile justice system, they have a much greater chance of being judged delinquent than their non-learning disabled counterparts. The difficulties the LD young offenders have with understanding and using language, combined with other factors, work to their disadvantage when dealing with the juvenile justice system.

In addition to the NCSC incidence study, the ACLD conducted a project to develop a remediation program for those adjudicated youths identified as LD. After approximately 55 hours of instruction, there was a significant drop in recidivism and a growing sense of self-respect and self-worth. These factors seemed to result from an improvement of basic skills and the caring relationship that developed between the student and the LD specialist.

The results of the incidence study are supported by the concerns of juvenile justice professionals and educators in the Washington area. Without exception, juvenile justice and youth service professionals in the District of Columbia, Montgomery County, Prince Georges County, Fairfax County, Arlington County, and Alexandria point to severe gaps in knowldege and understanding that must be bridged if viable alternatives to commitment, or appropriate educational alternatives while committed, are to be mobilized to help learning disabled young offenders become productive members of society. Although not every young person with LD is at risk of becoming delinquent, the number of LD youth among those caught in the juvenile justice system is alarmingly high.

As you know, the juvenile justice system in the District of Columbia handles a myriad of problems including children who have committed delinquent acts and those who are truants or runaways. Truants, runaways and delinquents all have something in common. Most of them are dropouts from school and many have serious educational deficits. The responsibility for helping these young people and meeting their needs falls under the aegis of at least three agencies; the schools, the courts and youth services. As a result, the child is often lost in the bureaucracies and appropriate placement and services are never determined.

Based on my experience in talking with parents who have learning disabled children, the issue of providing timely and appropriate services to these children is a serious problem. Parents point to:

- the need for improved early identification procedures
- staff shortage
- the need for appropriate placements
- lack of comprehensive diagnostic information on which to base appropriate interventions and placement
- extreme time lags between assessment, identification and placement
- the need for central direction and accountability in the special education division now lacking because of the decentralized administrative system

Problems of this kind are widespread and are among the critical issues that require attention in the District of Columbia. Parents are calling for early and appropriate interventions as the best method for meeting the needs of learning disabled children. It is also the most effective and humane method for keeping them out of the juvenile justice system.

Many of the young people who have dropped out from school, are truant or are delinquent find they have few skills and are faced with the shame of reading failure. It is not surprising that illiteracy is a contributing factor to antisocial and delinquent behavior. A large number of illiterate youth enter the juvenile justice system every year. The tragedy is compounded in our jails, where 85% are illiterate. Clearly, here is an unmet challenge for educators, schools, courts and communities.

To assume that challenge, the field of education must expand its purview beyond the school and the classroom. Schools must open channels of communication with the juvenile justice system and youth agencies. Educators must move in new directions establishing innovative programs which integrate vocational training, job placement and basic skill development; setting up mentor programs within the business community; training teachers to work with the unique learning and behavioral problems of these young people; developing a community team approach involving business leaders, teachers, judges and lawyers; and developing teaching methods and materials appropriate to these youth with the possibility of taking these materials and methods to the job site.

There are outstanding professionals in the D.C. metropolitan area who are doing exceptional work with juvenile offenders. But their work, too often is unknown by others in the field. Exchange of information across disciplines -- among judges, probation officers, educators, mental health professionals, diagnosticians and social workers -- is rare. Our project is taking the first essential steps in pooling innovative and recently tested ideas that can lead to effective interventions on behalf of many delinquent youths. The overall goal of the project is to help reduce delinquency through positive interventions and a broadening of understanding of the offender with learning problems.

An exciting example of the unique work that is being done is a system of computer assisted instruction called Comprehensive Competencies Program. It was developed by Robert Taggert of the Remediation and Training Institute of Washington D.C. The curriculum is the result of years of research conducted in the Youth Employment Training Programs. The two components, academic and functional, are multi-level, beginning with the basic skills level and moving through college preparation in a self-paced, sequential method. It is ideally suited for learning disabled adolescents who are in school, in vocational porgrams and in detention centers. It is currently being used at City Lights and Options. It could be well used, if it were better known.

Another example of an innovative program that works comes from Rowan County, Kentucky. "Sentenced to Read", developed by C.J. Bailey, is designed to meet the educational needs of delinquents through a court disposition. It is a cooperative venture involving the schools, courts and private business. A more detialed and vivid account is in the July issue of Education and Adjudication (Page 4). I have enclosed a copy for you.

Project BUILD has been enormously successful in meeting its goals and has provided a valuable service to the community. The project has been refunded for six months, during which time we will write, publish and disseminate a directory; continue the newsletter, establishing a national circulation; and plan and carry out a training for juvenile court judges. It is also hoped that through greater awareness of the problems and rights of these young people, the agencies which are responsible for them will work together to establish a workable system assuring a continuum of appropriate services.

Sincerely,

Kathleen Kelley

Kathleen Kelley
Project Director

EDUCATION & ADJUDICATION

Volume 1, Number 3 July 1985

D.C. Counselors Honored by Foundation

by Felicia Chinley

Two guidance counselors were honored in an awards ceremony at the Bolling Air Force Base Officers' Club on June 9. Marion H. Howard of Green Elementary School and Beverly Wallace of MacFarland Junior High School were each presented a plaque and a check for $250.

The event was sponsored by the Nathaniel E. Hill Guidance and Counseling Foundation, Inc., an organization established to support, advance, and encourage the guidance and counseling program in the District of Columbia.

Mayor Marion Barry, Jr., proclaimed the day "Counselor Achievement Recognition Day."

Dr. Floretta McKenzie, who spoke at the ceremony, was the first recipient of the Julia Y. Flicking Award for her "leadership, support, and commitment to the guidance and counseling program of the District of Columbia Public Schools."

The Board of Directors invites professional counselors from all levels to apply for the 1985–86 competition. An award will be presented annually to one counselor from elementary, junior high/middle school, and senior high/career center levels. The second annual awards ceremony will be held on June 8, 1986.

During the school year, the foundation will conduct a fund-raising program in addition to offering support to the D.C. Public Schools guidance and counseling program.

Training for Juvenile Justice Personnel

by Kathleen Kelley

A series of training workshops on learning disabilities and juvenile delinquency was held at the Virginia Polytechnical Institute Graduate Center of the University of Virginia in Falls Church on July 10. The workshops, held in conjunction with training on domestic relations arranged by Fairfax County, were sponsored by Virginia Juvenile and Domestic Relations District Court, The Metropolitan Area Council of Juvenile Court Judges and Chief Probation Officers, and Closer Look's Project BUILD (Building Interventions for Learning Disabilities).

Project BUILD has been focusing on the problem of learning disabilities and juvenile delinquency, recently co-sponsoring a conference, "Breaking the Delinquency Cycle," with the District of Columbia. A major emphasis of that conference was the educational needs of youth caught in the juvenile justice system. Recent research has shown a link between the underachieving learning disabled student and delinquency.

The primary goal of Project BUILD has been to raise the awareness of those people dealing with youthful offenders about this relationship. The specific training offered in July 10 workshops was designed to meet the needs of court personnel who work directly with these young people.

The training sessions on learning disabilities, open to all juvenile justice personnel in the metropolitan area, offered a unique resource for possible replication in other areas. Four workshops dealt with various topics: learning disabilities and the law (Matthew Bogin, American Bar Association), strategies that work for the juvenile delinquent with learning problems (Lisan Ledeber, Fairfax County Public Schools), identifying the youthful offender with learning disabilities (Lon Hodowal, Springhill Center, The Developmental School Foundation), and community resources for learning disabled juvenile offender (a panel of community service providers).

Education and Adjudication is published bi-monthly by Educational Support Systems, Inc., and PROJECT BUILD.

Kathleen Kelly
PROJECT BUILD

Nancy Opalack
Educational Support Systems, Inc.

Howard Dent
Coordinating Editor

All questions and comments should be sent to 2621 P Street, NW, Washington, D.C. 20007. All letters must be signed and must include the writer's address and phone number. Names will be withheld upon request. We reserve the right to edit all materials submitted.

Book Review

Book Discusses Problems with Violent Offenders

Violent Juvenile Offenders: An Anthology. Edited by Robert A. Mathias, Paul DeMuro, and Richard Allinson.

by Lin Ballard

Serious questions surround society's struggle with violent juvenile crime. *Violent Juvenile Offenders: An Anthology*, edited by Robert A. Mathias, Paul DeMuro, and Richard Allison (1984: National Council on Crime and Delinquency), clearly represents emphasis moving "well beyond the status offender issues that were targeted for action in the mid-seventies; now our focus is fixed firmly on violent crime." What is the extent of violent juvenile crime? What causes the trend? How do we treat these youth? What issues prevail in treatment interventions?

Mr. Mathias has divided the anthology into four parts. Part One reviews the extent and causes of violent juvenile crime. One area of initial focus was defining what it is that constitutes a violent juvenile offender. The original definition included youth with two court adjudications for violent offenses. Under this criteria the Violent Juvenile Offender (VJO) Program organized data that revealed "there are far fewer youths adjudicated repeatedly for violent offenses in the juvenile justice system." Further studies discussed portraits of specific populations and general characteristics of violent juvenile offenders. The system identified violent juvenile offenders has resulted in some trends.

The system response to VJO youth discussed in Part Two varies. This varied response appears to be reflected in politics of secure care and services provided to the mentally ill. However, a common denominator throughout the system is a "trend toward waivers of juveniles out of the juvenile justice system to criminal court and adult corrections." As a result of this trend to waiver current treatment, interventions may be suspect.

Part Three of the book explores alternative programming within the community such as secure residential care as opposed to institutionalization, community based programming, and community reintegration strategies. Some supportive community tools discussed included community exchange for problem solving, networking of community services, networking of information related to local populations, development of scholarship supports to the community, and community awareness of regulatory/legislative issues.

Other practical issues such as education, jobs, and therapeutic interventions are explored in Part Four. The authors discuss the role of educational programs and the need for supportive educational environments. The book stresses that educational programming in conjunction with therapeutic structure must be oriented toward practical occupational needs. Without the practical focus of career needs, reintegrative programming may not succeed.

Violent Juvenile Offenders presents a well rounded discussion by authorities and practitioners in the field of juvenile justice. The information can be useful to educators, corrections staff, social services staff, court officials, and parents involved with troubled youth. Perhaps cooperative efforts such as this will support additional interdisciplinary endeavors as our society continues to address the needs of adjudicated youth.

Violent Juvenile Offenders: An Anthology. Edited by Robert A. Mathias, Paul DeMuro, and Richard S. Allison. National Council on Crime and Delinquency, 760 Market Street, Suite 433, San Francisco, California 94102. 391 pages. 1984.

Learning Disabilities Project Funded

by Kathleen Kelley

The Foundation for Children with Learning Disabilities (FCLD) through a three part grant has funded a project to provide information about learning disabled youth in the juvenile justice system. The American Bar Association, the National Council of Juvenile and Family Court Judges, and the Research and Development Training Institutes, Inc., have received grants from FCLD totalling $100,000.

During 1985, the three groups have worked together to raise the level of public awareness about the link between learning disabilities and juvenile delinquency, with the hope of making a substantial impact on the Judiciary. Their goals are to provide intensive training sessions for judges, attorneys, police, and probation officers at local, regional, state, and national meetings of professional associations; to produce a manual about learning disabilities and juvenile delinquency which will be available to judges, probation officers, police, lawyers, and advocates, and to train lawyers in Special Education Law, who will be available to help families, with LD children in each state by the end of 1985; and to publicize this three-pronged effort to reach state education associations, P.T.A.'s, school administrators, teachers, and legislators to explain the significance of the link between learning disabilities and juvenile delinquency.

The grantees recently met with Congresswoman Lindy Boggs to discuss the nature of the project and to coordinate the three elements of this project. Representative Boggs, as chairperson to the Task Force on Crisis Intervention, an arm of the Select Committee on Children, Youth, and Families, expressed a keen interest in the special needs of learning disabled children and the importance of providing appropriate help to those in the juvenile justice system. Boggs cited recent research findings that clearly demonstrate a dramatic decrease in delinquency among learning disabled youth-at-risk after 40 to 50 hours of appropriate remediation in reading, language and math skills.

Street Law Class Explains Rights and Responsibilities to Adjudicated Youth

by Diane Sheet

Children involved in the juvenile justice system are often angry, frightened, and confused. Despite the notion that "the kids know the law better than their attorneys", the children I work with at the city's juvenile detention facilities have virtually no understanding of the juvenile court process or of what is happening to them.

They don't know their attorney's name or phone number. They don't know when they return to court, or if they do know the date, they often don't know for what purpose they will return. The terms *motion hearing, plea,* and *disposition* are meaningless to many children, so the distinctions between these procedures are non-existent.

Often, children are not even certain of the offense with which they are charged. This lack of knowledge problem is exacerbated when a child is pending trial on several charges, or when a child has been on probation or aftercare status (the equivalent of juvenile parole from an institution) so that there are multiple charges, attorneys, court dates, and probation officers or social workers involved in the lives of the children. Little wonder that they are confused.

During the street law classes I teach at detention facilities, I am routinely asked by children if I am a "persecutor". Even after explaining that I am a defense attorney and that my role, unlike that of the prosecutor, is to assist them with their legal problems and to do my best "to get them out", I am often questioned as to whether I was the person "who got them locked up"! Imagine how knowledgeable they are of the court system if they have such problems understanding the distinctions between a defense attorney and a prosecutor.

In teaching street law, I attempt to use various methods to simplify the court process for them and to help them understand what will be happening to them. Children may be street smart, but sadly, many are not school smart. Many children with whom I work have emotional problems, difficulties with reading, or learning disabilities. I utilize visual materials and activities such as role playing (everyone wants to be the judge or the policeman!) to capture and maintain their attention and interest. I try to make a confusing and complex system seem less frightening and more understandable to my students. I often wonder if that is at all possible, especially to an incarcerated child.

Street law should be part of every school curriculum, starting in elementary school. Children need to know their legal rights and responsibilities and how to become responsible members of the community. Once a child becomes involved in the juvenile justice system, it is often too late.

Personnel Preparation in Correctional/Special Education

by Gail DuPree

The delivery of appropriate educational services to adjudicated youth has long been a topic of concern and controversy in correctional programs. Educators have struggled with a variety of issues such as the conflict between "custody and control" versus "education and rehabilitation" as well as problems surrounding interagency cooperation.

In 1975 the enactment of Public Law 94-142, the *Education for All Handicapped Children Act*, presented yet another obstacle: compliance with the provisions of the law addressing the special educational needs of handicapped youth.

Historically, the problems have been tossed back and forth from one agency to another with little resolution as to the responsibility for providing specific educational services. In recent years, however, slow but steady progress has been made in addressing these issues.

State and local education agencies have been working more closely with Juvenile Services in an attempt to address problems and establish policies and procedures. In 1976 The National Institute of Juvenile Justice and Delinquency Prevention sponsored a study of the link between learning disabilities and juvenile delinquency.

The NIJJDP study served as a catalyst for further review of the preparation of correctional educators, specifically in relation of skills required to meet the special needs of handicapped youth involved in the juvenile justice system.

The Department of Special Education at George Washington University developed the Adjudicated Youth/Special Education Program in 1983. The program makes available to educators a course of study which would provide a sound knowledge base related to both special education programming and juvenile justice. The 39 hour Master's level sequence offers an interdisciplinary approach, incorporating specialized skills training with coursework in Law and Criminology, Forensic Science, and Psychology.

Reactions from students and response from the field indicate that the program is indeed meeting the needs of corrections professionals, enabling them to work more effectively with both handicapped and nonhandicapped adjudicated youth in a variety of correctional settings.

Further information regarding the GWU program can be obtained from:

Ms. Gail Dupree
Department of Special Education
The George Washington University
Suite 524
Building C
2201 G Street, N.W.
Washington, D.C. 20052
(202) 676-6160

Editor's Note: The program at George Washington University was developed in part through a grant from the Office of Vocational and Adult Education of the U.S. Department of Education. The grant is one of five federally funded programs in the country focusing on special/correctional education.

School—Court Reading Idea Becomes Reality: Sentenced to Read

by C.J. Bailey

The young man across from me, blue eyes, blond hair, and numerous tatoos on his arms, admitted to me he could not read. Nick, age 15, was talking about a problem that embarrassed him.

Nick had been incarcerated in our juvenile diversion facility for truancy, petty theft, and public intoxication. His first contact with the juvenile court system had been at age nine. He had many printed court docket charges and numerous court appearances, but at no time had he been asked, "Can you read?"

Over the several months that I directed the Gateway Juvenile Diversion project in Mt. Sterling, Kentucky, I had the opportunity to work in a seven county, five judicial court region. I had assumed the responsibility to set up a project to keep kids out of adult jails.

My ignorance of the juvenile justice system allowed me to have an unbiased perception of the day to day mechanism of the juvenile codes and court operations. I observed a very common pattern of recidivism.

Nothing much was happening to help most of these kids. A very sympathetic, concerned, yet frustrated judge would lecture the kids to "go back to school and stay out of trouble, or I'll put you away."

For awhile this threat would work. But the child faced the mental anguish of going back to the same old failure. Add the escape of booze and drugs. More often than not he committed another crime or delinquent offense. "You defied my warning." The cycle continued.

Why not a project that would give the judge a structured disposition? Why not a trained reading paraprofessional assigned to the judge but employed by the school system to work with kids, to to teach them to read, to help them learn to enjoy learning?

I approached Judge Jimmy Richardson of the Montgomery County/Menifee County District Court with the idea I had called "Sentenced to Read."

A few weeks later in a juvenile court session, totally unexpected, Judge Richardson asked me to come to the bench. A seventeen year old dropout had felony charges. He had been living by himself in a deserted cabin, stealing food and supplies to survive. His mother and dad's whereabouts were unknown. He had a long juvenile court record. Was I willing to take this boy? the judge asked. The project became our benchmark case.

This was over three years ago. The "benchmark" boy earned his GED, works on a farm, and is progressing well.

I submitted "Sentenced to Read" as a proposal for funding, traveling many miles and speaking in its behalf. I spoke for these kids who don't known how to speak for themselves.

"Sentenced to Read" became a reality through funding from the TENCO-Private Industry Council through the Job Training Partnership Act, Programs for Exemplary Youth Section.

Superintendent of Rowan County Schools John Brock agreed to be the administrative agent. The Rowan County Board of Education continues to serve as the administrative hub for the now expanded seven school system and four judicial district consortium.

The current funding operation is a joint venture with the TENCO-Private Industry Council, Pat Bell, Director, and the Kentucky Cabinet for Human Resources, Department of Employment Services. The state participation is directed as a pilot for "Sentenced to Read" to be packaged as a model for replication potential across the Commonwealth of Kentucky.

The structured disposition is for the economically disadvantaged, ages 14 to 21, providing instruction for the non-reader by a trained paraprofessional. If still in school, the disposition is complementary to the existing school schedule but modified to fit the needs of the client.

All instruction is one-on-one following a program prescribed to fit weaknesses. Pre-employment skills training are provided for all. Try-out employment slots are secured for 17-21. Progress reports are made to the court on request or on set time intervals. Materials used are programmed and individualized. Learning disabilities are dealt with.

Handbook on Community Resources

Project BUILD is collecting information for a handbook about area resources which provide services to youth and their families. This announcement is a call to social service agencies, public and private, to let themselves be known as service providers.

While the handbook is intended primarily for juvenile justice professionals, it will also be useful to parents, educators, human services professionals.

Listings will include advocacy and legal services, vocational and training resources, educational and psychological assessment and treatment, private schools, residential placements, recreational programs, and parent groups. Although the focus of the handbook is on services appropriate to the learning disabled, the listings will not be limited to this population.

If you wish your program to be included in the Handbook, please send a description to Kathleen Kelley, Project BUILD, Closer Look, 1201 16th Street, N.W. Washington, D.C. 20036.

For more information, call 822-7900.

Dreams Justified

by SB

Dreams are a vision of vast loveliness corrupted by the idle thinking of one's mind. A dream can be of lust or love. We as humans, or as so-called humans, are advanced, but yet we hate. Hate can last into eternity, but love can conquer all.

Without love, our lives are dreams diffused. A dream diffused is a dream or thought corrupted with evil not even a chance to be justified or to flourish into the beauty within. We sleep of rest. We sleep of tire. We sleep of fatigue, but do we sleep of love? Or do we tire from hate, which is the root of all evil?
Say into your dreams do not worry
dreams do not worry
dreams do not worry
for our sleep is almost done.

NIDR REPORTS

A series of reports from
NATIONAL INSTITUTE FOR DISPUTE RESOLUTION

Mediation in Special Education: Two States' Experiences

by **LINDA R. SINGER**
and **ELEANOR NACE**
Center for Community Justice

Foreword

This is the first in a series of brief reports of research and other projects sponsored by the National Institute for Dispute Resolution. Through *NIDR Reports*, the Institute intends to share information it has developed with the growing number of Americans who are using the tools of dispute resolution to settle differences in a diversity of areas. One such area is special education.

Under federal law passed in 1975, parents have due process safeguards allowing them to become directly involved in the development of specific education plans for their handicapped children. If parents object to a local school administration's planning or provision of special education services, they may contest the plan. Since Congress passed the law, several states have incorporated mediation into their due process systems for special education.

But can disputes between parents and school administrations over special education plans be mediated successfully? The Institute asked Linda R. Singer and Eleanor Nace of the Center for Community Justice to study the question. Singer and Nace examined the use of mediation in two states. Their answer "is a resounding 'yes.' Satisfaction with mediation processes studied in Massachusetts and California is broad and deep."

Several factors contribute to the successful use of mediation in disputes involving special education. Among them are the clear framework of laws governing special education cases; the availability of strong advocates who care about the needs of handicapped children; and broad community interest in resolution of special education disputes.

Singer and Nace conclude that "perhaps, ultimately, the reason that mediation is so successful in this arena is that it is a process that nurtures rather than destroys ... trust and cooperation ... among people with an interest in the education of special children."

Future *NIDR Reports* will include publication of research findings on the uses of dispute resolution methods in several other areas. For now, the Institute is pleased to inaugurate this news series with a report on a subject, special education for handicapped children, that affects millions of Americans.

Madeleine Crohn
President
National Institute for Dispute Resolution

Public Law 94-142:

The Education for all Handicapped Children Act

Passage by Congress of the Education for all Handicapped Children Act in 1975 was one of the most significant events in American educational history. The Act was the culmination of years of effort by parents and advocacy groups. Earlier victories had occurred in the courts and state legislatures, but with the enactment of Public Law 94-142, special education throughout the country was dramatically altered, both substantively and procedurally.

One of the most significant changes accomplished by the Act was the extension of due process safeguards to procedures for identifying and developing programs for children with special needs. Henceforth, parents would be directly involved in the education of their handicapped children from the initial evaluation onward. If at any point parents were dissatisfied with the local education agency's planning or provision of special educational services, they were given the right to contest the plan.

Substantive Provisions of Public Law 94-142

The purpose of the Education for all Handicapped Children Act of 1975 is "to assure that all handicapped children have available to them ... a *free appropriate* education ..." To meet this goal, the Act provides federal funds to state and local educational agencies to assist in educating handicapped children.

To qualify for federal aid under the Act, a state must show that it "has in effect a policy that assures all handicapped children the right to a free appropriate public education." 20 U.S.C. Section 1412(1). Each state is required to submit a plan articulating this policy, and describing the programs under which the state intends to educate handicapped children.

In 1982, the United States Supreme Court issued an opinion that discussed in detail the meaning of a "free appropriate public education." *Board of Education v. Rowley*, 458 U.S. 176 (1982). The Court reversed the decisions of two lower courts that a bright, deaf first grader, who was "not learning as much, or performing as well academically, as she would without her handicap" because she did not understand much of what occurred in the classroom, was not receiving a free appropriate education. The courts below held she was denied "an opportunity to achieve [her] full potential commensurate with the opportunity provided to other children." But the Supreme Court stated that Congress' intent in passing the Act was:

> to bring previously excluded handicapped children into the public education systems of the States and to require the States to adopt *procedures* which would result in individualized consideration of and instruction for each child. Noticeably absent *from* the language of the statute is any substantive standard prescribing the level of education to be accorded the handicapped children. 458 U.S. at 189 (emphasis in original).

The Court concluded that a handicapped child receives a "free appropriate education" if he or she receives "personalized instruction with sufficient support services to permit the child to benefit educationally from that instruction," even if the child is not achieving his or her maximum potential. 458 U.S. at 203.

Procedural Provisions of Public Law 94-142

Public Law 94-142 requires that an "individualized educational program" (IEP) be developed for each handicapped child, to ensure that he or she is receiving an appropriate public education. Section 1412(4). The IEP is developed at a meeting among the child's parents, the child's teacher, various specialists, and a representative of the local educational agency. The plan must contain, among other things, a statement of the child's current educational level, a statement of annual goals, and a description of the specific services to be provided to the child. In preparing an IEP, the goal is to educate the handicapped child with nonhandicapped students "to the maximum extent appropriate." Section 1412(5).

The Act provides procedural due process protections to parents dissatisfied with the educational programs prepared for their handicapped children. A state or local educational agency must provide parents with prior written notice of any proposed change in "the identification, evaluation, or educational placement of the [handicapped] child or the provision of a free appropriate public education to the child." Parents can bring a complaint about "any matter relating to their child's evaluation or education." 20 U.S.C. Section 1415.

Public Law 94-142 requires that parents be provided an "impartial due process hearing" on their complaint, and the right to appeal to the state educational agency if their hearing is held at the local level. States have considerable leeway in designing their due process systems, provided that the rights mandated by the Act are included. Either the parents or the educational agency may file suit in federal court if they disagree with the state agency's decision. However, the Supreme Court ruled recently that parents who prevail in court are not entitled to reimbursement of attorneys' fees spent in the administrative or judicial process. *Smith v. Robinson*, 52 USLW 5179 (July 5, 1984).

The Use of Mediation Under Public Law 94-142

The Act itself does not mention mediation as a means of resolving parents' complaints, nor do the regulations promulgated by the Department of Education to implement the Act. 34 C.F.R. Section 300 *et seq.* However, a "comment" to the regulations states that:

> Many States have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped children, and the provision of a free appropriate public education to those children. Mediations have been conducted by members of State educational agencies or local education agency personnel who were not previously involved in the particular case. In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's rights under this subpart. Comment following 34 C.F.R. Section 300.506.

Neither the regulations nor the comments provide any substantive or procedural guidelines for mediation. Interviews with Department of Education officials indicate that the Department maintains a "hands off" posture with respect to mediation. Their only concern is that due process rights not be delayed or impeded.

In 1976, Massachusetts became the first state to incorporate mediation into its due process system in special education. Since then a growing number of states, in their efforts to comply with the requirements of the law, have included some form of mediation as part of their appeals process. In a 1982 survey, the National Association of State Directors of Special Education discovered that 11 states provided for mediation (sometimes loosely defined) in their regulations; another 22 states encouraged the use of mediation or other settlement efforts prior to hearings.

2. The Center's Study

As the use of mediation has grown, so has the interest in studying the process and its utility. In 1983, the National Institute for Dispute Resolution awarded a grant to the Center for Community Justice (CCJ) to conduct two case studies. These studies examined the use by governments of nontraditional methods of resolving disputes between individuals and institutions. One case study examined the use of mediation by state education agencies. The following summarizes CCJ's report of that research.

Two states were selected for study: Massachusetts, which has the most experience with the process, and California, where mediation has been in use for three and one-half years. Both states handle a high volume of appeals. Initial research centered on the federal statute, regulations, and case law, followed by interviews with officials of the Department of Education and representatives of three interest groups located in Washington: the Children's Defense Fund, the Parent Educational Advocacy Training Center, and the National Association of State Directors of Special Education.

In Massachusetts, the following people were interviewed at the state level: a member of the State Board of Education; the Associate Commissioner for Special Education, Massachusetts State Department of Education; and the Director and the Assistant Director of the Bureau of Special Education Appeals, Massachusetts State Department of Education. Also interviewed were local school officials; mediators; parents; two long-term observers and researchers in due process in special education; lay advocates; two attorneys, one who represents parents and one who represents school districts; and representatives of special interest groups, namely the Federation for Children with Special Needs, Massachusetts Advocacy Inc., and the state's Office for Children. Copies of mediation agreements, with the names of the parties removed, were reviewed. We observed three mediations, with the consent of the disputants, who were interviewed afterward.

In California, we interviewed the following: the Administrative Assistant to the Director of the Office of Special Education, California State Department of Education; the former Director of the Due Process Hearings Unit, who is now the federal liaison for the State Department of Education; the Director of the Due Process Hearings Unit, who is also the Assistant Chief Counsel for the State Department of Education; and the Legal Assistant in the Due Process Hearings Unit. In addition to observing one mediation and interviewing the participants afterward, we interviewed mediators; parents; private lay advocates; local school officials; and representatives of interest groups, namely Team of Advocates for Special Kids (TASK), Protection and Advocacy, Inc., and Community Alliance for Special Education (CASE), as well as an advocate from one of the state's regional centers.

Each state initially agreed to provide us access to complete mediation files; however, strictures of confidentiality and the difficulty inherent in removing all identification for our review made access impossible. Nevertheless, we were able to observe mediations, to examine numerous samples of mediation agreements, and to review statistics provided by both states.

2. The Massachusetts and California Systems

Massachusetts

Massachusetts school districts did not have to scramble to comply with Public Law 94-142. A similar law, on which the federal statute was based in part, had passed the Massachusetts Legislature in 1972 and took effect in 1974. Just as it led the nation in creating rights for the handicapped, so too did Massachusetts pioneer in its methods for resolving disputes over those rights. Even before dissatisfaction with the formal due process hearings surfaced, Massachusetts was experimenting with mediation on an informal basis. A prehearing mediation stage was formally added to the appeals process in 1976.

The Massachusetts State Department of Education currently employs six full-time mediators. Each of them is assigned to one of the Department's regional offices. The mediators' prior occupations vary; they include a former priest, a social worker, an actuary, and a prison official. None of the mediators is an attorney; all appear to be warm, friendly people, generally outgoing in personality.

Most appeals are sparked by discontent with a child's IEP. A simple notation on an IEP by the parents that they do not accept the plan in full triggers the appeal process. Upon rejection of an IEP, the school forwards a copy of the rejected IEP to the Bureau of Special Education Appeals and to the appropriate mediator. In some cases, the parents simultaneously sign a letter saying that they waive mediation and wish to go directly to a due process hearing. According to the Director of the Bureau, such waivers occur in five to ten percent of the cases. The remaining cases are assigned to a mediator. At that point, the mediator contacts the parents to explain the process and to schedule a mediation. In addition, some informal efforts at resolution may be attempted, through telephone conversations with the school and the parents. Assuming these are unsuccessful, a mediation is scheduled.

In the event that mediation does not produce a settlement, either party may request a due process hearing before the Bureau. The Bureau encourages but does not require the parties to avail themselves of mediation before requesting a hearing. All discussions during the mediation session or prior to it are confidential and privileged. Mediation files are kept separate from any subsequent hearing files.

California

In California as well, conflicts most often arise in connection with the development of the IEP. However, a due process hearing procedure can be initiated at any time by a pupil, a parent, or a public education agency.

The California Education Code, which incorporates the procedural safeguards of Public Law 94-142, states that it is the "intent of the legislature that the mediation conference be an intervening, informal process conducted in a nonadversarial atmosphere." The mediation conference is conducted prior to the administrative due process hearing; it can be waived by either party. Mediation is supposed to be completed within 15 days of receipt by the superintendent of the request for a hearing. The mediator may grant continuances beyond the 15-day deadline. A continuance cannot extend the 45-day maximum for completion of the due process hearing and decision, however, unless the party initiating the request for a hearing agrees to such an extension.

Other Education Code sections state that a mediation conference "shall be conducted by a mediator knowledgeable in the laws governing special education under contract with the department," and that the mediation should be held at a time and place that is reasonably convenient to the parent and student. Prior to a mediation conference, parents have the right to receive and examine copies of any documents contained in the child's file. Parents also have the right to be accompanied by a representative of their choice. If the mediation is unsuccessful, the mediator prepares a list of unresolved issues, which is signed by the initiating party prior to the conclusion of the mediation. This list then forms the basis for the state-level hearing.

Thus, although California statutory law provides more structure to the mediation process than do the governing provisions in Massachusetts, much is left to the discretion of the superintendent and, in turn, to the due process hearings unit. The current due process procedure, including the mediation component, has been in existence for three and a half years, and was preceded by a number of other designs. Under the current procedure, hearing officers at the due process level are state employees working for a separate agency, the Office of Administrative Hearings.

Each year, the California State Department of Education issues a Request for Proposal for the position of mediator. The state currently has eight active, part-time mediators on contract. Despite annual contracting, mediators tend to be long-term employees; some of them were members of the original trainee class three and a half years ago.

The backgrounds of the mediators are varied. One is a retired school principal and special education director; another has 10 years' experience in public school teaching and paralegal work, with a specialization in education law. Three mediators are self-employed attorneys in the San Francisco area; one has an active practice in private sector labor law in addition to the special education mediation. Another mediator has been a college administrator and government worker, and is the parent of a handicapped child. Another has a counseling background.

The mediator's first contact with a case is a letter or telephone call from the due process hearings unit, notifying the mediator that a conference has been scheduled. The parties' names and telephone numbers, and perhaps a one-word description of the issue, are provided. Some mediators contact the parties by telephone to confirm the mediation date and to explain the process. Others read the child's file, while some make no effort to acquire any additional information.

At this time, the parties also receive a letter from the due process hearings unit containing the same information. The parents are also sent a "notice of procedural safeguards," which includes a description of mediation.

At the conclusion of each mediation, the mediator completes a report that includes the names of the petitioner, respondent, student, and mediator, and specifies whether an agreement was reached or a continuance agreed to. If an agreement is reached, a copy is attached to the mediation report and returned to the due process hearings unit in Sacramento. If no agreement is reached, a statement of issues is completed by the mediator, signed by the petitioner, and attached to the mediation report. This statement forms the basis of the formal due process hearing, if one is held.

4. A "Typical" Case

On October 1, 1980, a young wife gave birth, prematurely, to twins. One died. The second baby, a girl, survived but, unknown to her parents, had been deprived of oxygen during delivery. This resulted in a mild case of cerebral palsy.

The mother obtained the best available services, and paid a private physical therapist to visit her home once a week to work with the little girl and teach the mother how best to assist her. When the mother was at her part-time job, the child attended a private nursery school with "normal" children.

Shortly before the girl's third birthday, her mother took her to the local public school and asked for an evaluation of the child and some assistance. She intended to continue to pay the costs of the private nursery school rather than to place the child in the public school's preschool program, where she would be exclusively with handicapped children. However, she wanted the school department to assume responsibility for the various therapies that her daughter would need in order to benefit from education.

The school acceded to some of her demands, agreeing to provide occupational therapy and consultation with the day-care program. But the school resisted the mother's request of one hour of physical therapy each week. The IEP prepared by the school department proposed 30 minutes of physical therapy every two weeks. The mother balked. The girl was making progress, and the mother feared that she would regress severely unless this level of therapy was maintained. Nonetheless, the school department refused to modify its position, so the mother rejected the IEP, triggering the appeals process. The school district forwarded the rejected IEP to the regional mediator and the state's Bureau of Special Education Appeals. A mediation conference ensued.

The mother, a shy, reserved person, was accompanied by an advocate from the State's Office for Children. The special education director was accompanied by the physical therapist who had prepared the school's therapy recommendations, and who would have provided the therapy. The nursery school teacher was present. Completing the group were the mediator and an observer.

The mediator opened the session by explaining the process and emphasizing its confidentiality, its informality, and the desire that a settlement acceptable to all parties would be achieved. The parent's advocate spoke first. She began by outlining the child's history, the outcome of the team meetings, and the reasons for the parent's rejection of the IEP. The parent's other requests were for more frequent consultation between the school district and the nursery school program, and the provision of therapy (both occupational and physical) throughout the summer.

The Special Education Director then stated the school's position that the child did not need one hour of physical therapy per week, and that 30 minutes every two weeks was adequate. She said that the school district already had agreed to greater consultation with the nursery school, and that a summer program probably could be worked out, although the school district's summer plans were not yet final.

The child's teacher, obviously nervous, spoke briefly, observing that the child was doing well. The mediator then separated the parties, moving the special education director and the therapist to another office. For the remainder of the three and one-half hour session, the mediator shuttled from one room to the other.

The mother refused to modify her position. She believed that the child needed one hour of physical therapy a week; independent assessments had recommended it, and she thought that the school should provide it.

Although initially maintaining that the child did not need an hour each week of physical therapy, the school people conceded in a private caucus with the mediator that there was a further hurdle: the school district had one physical therapist (who was present) and she simply did not have the time in her schedule to provide this child with a full hour each week.

At the conclusion of one round of private sessions, the case appeared stalemated. The mother (who initially had been too nervous to speak but gradually was participating) appeared to be unyielding. The therapist was aggrieved at having her judgment questioned and her already overbooked schedule potentially swamped. The Special Education Director wanted to help the mother out, but believed that she had done all that she could.

The mediator changed the subject at this point. The school already had agreed in principle to the mother's request for greater consultation and a summer program; the details were worked out. At about this time, the teacher, who had said very little, told the mediator that she felt she might have been misleading in her earlier remarks. She said she was nervous, had never participated in mediation before, and had not known what to say. She then described in some detail the child's physical condition and the modifications the nursery school staff needed to make to enable her to participate in the regular daily program of activities.

Then the mediator reconvened the group. Agreements regarding consultation and the summer program were ratified. The teacher gave the school department personnel her view of the child's condition, and the special attention and program modification she required; the mother spoke up to say that one reason she wanted the hour a week was to help maintain the child's determination and her sense that it was important that she do her exercises, even though she often did not want to. The mediator then separated the disputants again.

The mediator caucused with the school representatives. The therapist said that she might be able to find a half hour each week. The Special Education Director told her that she did not have to disrupt her schedule. The therapist offered a specific half-hour slot.

The mother rejected the 30 minutes per week. It was clear that she would go to a hearing rather than accept anything less than the hour she had requested.

After much juggling of her schedule, the therapist eventually "found" an hour per week. The resulting agreement provided for one hour per week of individual physical therapy, together with bi-monthly consultations and a summer program of physical and occupational therapy.

3. Summary of Findings:

The Mediation Process and its Results

The Process

Interviews and observations of mediations in both California and Massachusetts reveal a striking uniformity in the process. All mediators begin with a joint session, which includes all the parties. Following the introductions, the mediator explains the process. Confidentiality and informality are stressed, as is the mediator's hope that an agreement can be reached. Some mediators contrast their own informal proceedings with a due process hearing, pointing out that in mediation, the parties can design their own agreements, satisfactory to all, whereas *no one wins* at a due process hearing, because the process is wearing and the parties often polarized.

Parents (or their advocate) always are invited to speak first, describing their child, the history of the dispute, and what it is they want. The representative of the school district or education agency then responds. Others present in the joint session, such as teachers and consultants, are then asked to speak. At the conclusion, the mediator reminds everyone that he or she will be speaking privately with one side and then the other in an effort to work out an agreement. Individual sessions with each party then follow.

In the majority of cases, this process leads to an agreement written by the mediator and reviewed by each side. The parties are brought together for a final joint session, to sign the agreement. If no agreement is reached, the mediator explains to the parents their appeal rights and, in California, writes up a list of outstanding issues for the due process hearing that will follow.

Identity and Role of Disputants

Another significant similarity between the mediation described and most cases that go to mediation is the identity of the disputants. In the overwhelming majority of cases, it is a parent who files the appeal leading to a mediation conference, while the other party is the local school district.

Although the identity of the disputants is predictable, one of the more interesting variables is the identity of the actual participants in the mediation.

The Parents

For parents, the major decision is whether to attend the mediation conference alone or to bring someone as an advocate or representative. The use of advocates varies widely. In Massachusetts, as in California, there are individuals known as "lay advocates," who earn their living representing parents and children at mediations and due process hearings. These people are non-lawyers with extensive experience in the special education field, and a knowledge of state and federal laws governing the delivery of special education.

In Boston, advocates accompany parents routinely, while in central Massachusetts, the use of advocates is minimal. In 1983, California parents represented themselves at mediation 55 percent of the time. Lay advocates participated in 28 percent of the cases, while attorneys represented the family at mediation in 17 percent of the cases.

In addition to an advocate, parents often bring the person who conducted an independent evaluation of the child, if an evaluation was conducted. If the child is in a nonpublic school, the child's teacher also often accompanies the parents, particularly if the parent is requesting a continuation of the placement.

The School District

School districts handle participation at mediations in a number of ways. In some cases, the Special Education Director (the "SpEd" Director) attends the mediation accompanied by the entire IEP team. In other cases, the SpEd Director attends, but brings only relevant or crucial personnel. Or the SpEd Director may attend the mediation alone, after being briefed by his or her staff.

Time Involved

A "typical" mediation in both Massachusetts and California takes between one and five hours. The average time appears to be two to three hours.

While no statistics are available on the time involved in reaching the mediation process, the average time in Massachusetts seems to be four months (based on the cases observed). In California, where there is a 45-day deadline for completion of all procedures, the time involved in reaching mediation is substantially shorter. Mediations are scheduled within 15 days of the Superintendent's receipt of a request for a hearing. This 15-day deadline can be extended by agreement. A state scheduling official estimates that 50 percent of the sessions are held on the originally scheduled date, while the rest are continued at the request of one party.

Proportion of Disputes Resolved

In California, of those cases where mediation was completed, mediators were involved in the successful resolution of 45.5 percent in 1981, 60 percent in 1982, and 68 percent in 1983. The percentage of *all* cases filed each year that are resolved through mediation also is increasing. In 1981, 26 percent of the petitions filed were resolved by mediation. That figure was 28 percent in 1982, and 37 percent in 1983.

In Massachusetts, 51 percent of all cases filed in the 1982-83 school year were settled through mediation. This settlement rate has been holding steady. Several years ago, on the other hand, mediators settled approximately 70 percent of all appeals. The decreased resolution rate is attributed to two developments: (1) an increase in the difficulty of the issues presented (school districts now settle most of the "easy" cases); and (2) revenue restrictions, which require some SpEd Directors to have a hearing officer's decision as justification for any significant new expenditure.

Nature of Resolutions

Mediated special education agreements typically state that the school district agrees to specific amendments in the IEP, and that the IEP, as amended, is now acceptable and in force. Often, agreements also contain actions to be taken by the parents.

Role of Neutrals and Techniques Used

Literature about mediation often describes the many different roles of a mediator, such as the "distinguisher of wants from needs," the "creator of options," and the "agent of reality," and the techniques used by mediators, such as listening and caucusing. In practice, the special education mediators use all of these techniques. The "agent of reality" role is often mixed with the mediator's role as interpreter of the law. A more controversial role, which is assumed by some mediators, is the "equalizer of power."

In the course of fulfilling these various roles, particularly as the agent of reality, the equalizer of power, and the interpreter of the laws, does a mediator ever cease being "neutral" and become an "advocate"? It appears, in the context of special education, *that the mediator is neutral as between the two disputants—the parents and the school district*—but may act as an advocate for the child and a guarantor of the enforcement of P.L. 94-142 and the corresponding state laws.

Satisfaction of Disputants

Based on interviews with parents and local school officials, it is clear that disputants overall are extremely satisfied with the mediation process. Although they are not always pleased with a particular mediator or a particular outcome, parents and representatives of school districts were uniformly positive in their evaluation of mediation.

Parents are pleased with the process for several different reasons:

"The school district cannot walk all over us;"

"The mediator knew our rights and wouldn't let the school ignore them;"

"The mediator made things a lot easier by being a neutral third party and taking in both sides;"

"The mediator helped us to feel at ease and took the mystery out of the process;"

"We were able to settle the case and learned a lot;"

"It kept us out of a hearing and helped us apply pressure to the district;"

"The mediator listened to me;"

"We got what we wanted."

Parents did have some negative reactions to mediation. The expense involved was roundly condemned by one parent, who said he had spent $1,000 on advocate and legal fees. Another mother said that she did not like not knowing what was going on in the other room while the mediator was caucusing with the school officials. She was, however, happy with the outcome. Another mother noted that she fears she now carries with her the "stigma of mediation." It was her feeling that, because she had pressed her case that far, teachers were forewarned about her and were defensive, expecting an ogre. She said that while she has found that attitude difficult to deal with, she overcame it as the child's new teachers came to know her. Despite this situation, she would use the process again. Another parent, who went to her mediation unaccompanied, said that she felt like "an outsider" because the mediator and the school's SpEd Director knew each other. Nonetheless, she was not displeased with the outcome, thought the mediator was fair, and would use the process again.

School officials, not surprisingly, have a broader view of the procedure, having had more experience both with mediation and with the due process hearings that often follow unsuccessful mediation. Local school officials are much more likely than the parents who were interviewed to contrast mediation with the due process hearing. That contrast is one of the reasons they are so positive about mediation. School officials focused on the financial, emotional, and personnel costs of a due process hearing, as well as the destruction of good feeling between parents and schools in the course of the hearing.

Nature and Effect of Imbalances of Power Between Disputants

Interviews revealed widely divergent opinions on this subject. Regardless of whether it is real or imagined, it is clear that parents think that the schools have significantly more power than they do. Explanations varied, but some comments recurred. It was pointed out repeatedly that "knowledge is power," that is, the school districts are experts in the law and the procedures, whereas parents are uninformed neophytes. Parents also tend to feel overwhelmed by the sheer numbers of school personnel, psychologists, and experts who routinely attend IEP meetings, and sometimes, mediations. And, as one observer pointed out, the whole process of dealing with a school system evokes memories of the parent's own childhood, and makes him or her, subconsciously perhaps, feel childlike, helpless, and subservient.

One effect of this perceived imbalance of power is the formation of parents' groups like TASK (Team of Advocates for Special Kids) and the Federation for Children with Special Needs. These groups believe that with sufficient training parents can assume the role of advocate for other parents at IEP meetings, mediations, and even due process hearings. They feel that unaccompanied parents are at a distinct disadvantage.

In the "typical" case we described, the mother clearly believed that the school officials had significantly more power than she. She may still believe that, because of the emotional costs associated with the process. In fact, however, the case ultimately was settled in her favor, in large part because of the school district's recognition of the parent's ultimate power: the right to take the school district through a costly due process hearing.

Satisfaction of Interest Groups

All representatives of interest groups who were interviewed for this study said that they, and the groups they represent, are enthusiastic about the mediation process and generally recommend to parents that they take advantage of the mediation option. These interest groups seem to be supportive of mediation because it is relatively informal, effective, and far less time-consuming and draining of emotional and financial resources than the formal due process hearing.

In California, mediation is becoming increasingly popular with interest groups that support parents and children because they believe that decisions by hearing officers are becoming increasingly conservative and favoring school districts.

Use of Information Developed Through Informal Processes

When a mediation results in an agreement, the mediator writes out the agreement and gives copies to all parties. This is the only product of the session, except for a brief report indicating the outcome—agreement, no agreement, or continuance. In the case of a failure to agree, California mediators prepare a list of issues for the due process hearing, which is signed by the petitioner. No transcript of the mediation session is kept. In Massachusetts as well, the mediation conference is entirely confidential. Massachusetts court decisions treat what occurs in a mediation as offers of settlement, which are inadmissible as evidence. The only exception is that testimony concerning what occurred in mediation is admissible to show that a parent had prior knowledge of, for example, the availability of a program that the school was offering. In neither state have mediators or files been subpoenaed. Both programs insist on total confidentiality of what occurs in the mediation, and would attempt to have any such subpoena quashed.

Use of Precedents

The federal statute forms the backdrop against which all due process activity in special education takes place, since it sets standards which must be met. However, the more relevant law to mediators and parties is the pertinent state statutes—in Massachusetts, Chapter 766, and in California, the Education Code—which conform to Public Law 94-142. These state laws, and the regulations implementing them, play a vital role in virtually all mediations. Court decisions, as well, are relevant precedents, and are read widely by mediators, advocates, and educational administrators. Decisions by hearing officers, on the other hand, technically cannot be used as precedents for other decisions. However, these decisions are circulated among mediators in each state, and advocates, school officials, and other interested parties regularly review them. Mediated agreements are not circulated or read by anyone and have no precedential value in future cases.

Policy and Systemic Changes

Persons interviewed in both states minimized the level of policy or systemic changes that have resulted from either mediation or from due process hearings.

8. Conclusion

This research was undertaken to discover whether one type of dispute between individuals and institutions can be mediated successfully. In the special education field, the answer is a resounding "yes." Satisfaction with mediation processes studied in Massachusetts and California is broad and deep.

Whether the success of mediation in the special education field can be transferred to other types of disputes between individuals and institutions is an open question. The special education context includes a number of features that may or may not be present elsewhere:

- A continuing relationship between the disputants, parents and school districts, which lasts for as long as the child is in school—potentially 18 years;
- Multi-issue disputes, in which there is much room for judgment, disagreement, creativity and, therefore, negotiation;
- Disputes over plans for the future, as opposed to actions in the past;
- Well-trained, skillful mediators, who are knowledgeable about both legal and educational issues;
- Active advocacy groups, which educate parents about their rights under the law and, on occasion, represent them at mediations and hearings;
- Individual claimants who come from all socio-economic and ethnic groups;
- A complex, yet clear, framework of laws, which have been enforced consistently;
- Federal and state statutes, which created extensive new entitlements for individuals and gave them the right to initiate and pursue their due process safeguards annually;
- A burdensome alternative to mediation—the formal due process hearing; and
- A community of interest between the disputants: the education of the child, who has needs to which all parties to these disputes generally are sympathetic.

All of these considerations contribute to the success of the programs studied. However, without comparative research, it is impossible to identify which of them is critical.

One feature traditionally seen as contributing to the success of mediation is the existence of an ongoing relationship. Obviously, that situation exists in the special education context. Public Law 94-142 and analogous state enactments give special needs children substantive and due process rights starting at age three and extending through age 21. In addition, the statutory framework gives parents the right to exercise their due process safeguards once a year.

Interviews with local school officials indicate that this consideration encourages an amicable settlement. It is less clear what effect this continuing relationship has on the parents. It may well propel parents to assert their rights early in their relationship with the schools, or whenever necessary, so that schools will not take them for granted or fail to consult with them. So, conceivably, the ongoing relationship encourages the exercise of parental rights. On the other hand, the same consideration could incline parents toward settlement at mediation, by which time they might legitimately believe that their power had been demonstrated to the school districts.

Another significant aspect of the special education context is that disputes never involve simple "yes" or "no" decisions. At issue is not whether a person does or does not qualify for public assistance or admission to medical school, for example. At issue in almost every case is an educational plan, which consists of many components and possibilities. One can speculate that the orientation towards the future and the complexity of the matters in dispute create a situation in which there is much room for negotiation and creative problem-solving.

Many of those interviewed qualified their support of mediation with the statement, "it all depends on the mediator." Given the highly personal nature of the mediators' role, their skill is clearly a major factor in the success or failure of the process. Only one mediator in California and Massachusetts was rated ineffective by those interviewed. Those observed were very good, while some were excellent. Their dispute resolution skills, sensitivity, and substantive knowledge of special education and the law certainly have had a significant and positive effect on the programs run by those states. The assistance of well-trained advocates also contributes to the success of many mediations.

One can only speculate about the significance of the fact that the parents involved in these cases are not all poor or members of minority groups. Certainly the fact that handicaps and learning disabilities strike the rich as well as the poor has increased the visibility of special education issues and, perhaps, pressure on administrators to humanize their programs.

The consistency with which the laws have been enforced is clearly important. Many persons mentioned in the course of interviews that school districts have "finally gotten the message" about the meaning of the laws and what they are required to do to satisfy various statutory and regulatory requirements. Not all school districts are in compliance. But evidently many are making a concerted effort to comply with the laws.

Another very strong inducement to settlement is the specter of the alternative, a full-blown due process hearing. The aversion to this process is strong, and is clearly a motivating factor contributing to the resolution rate.

Public Law 94-142 mandated collaboration between parents and school districts in the interest of educating children with special needs. Perhaps, ultimately, the reason that mediation is so successful in this arena is that it is a process that nurtures rather than destroys the trust and cooperation that the framers of the governing statutes envisaged among people with an interest in the education of special children.